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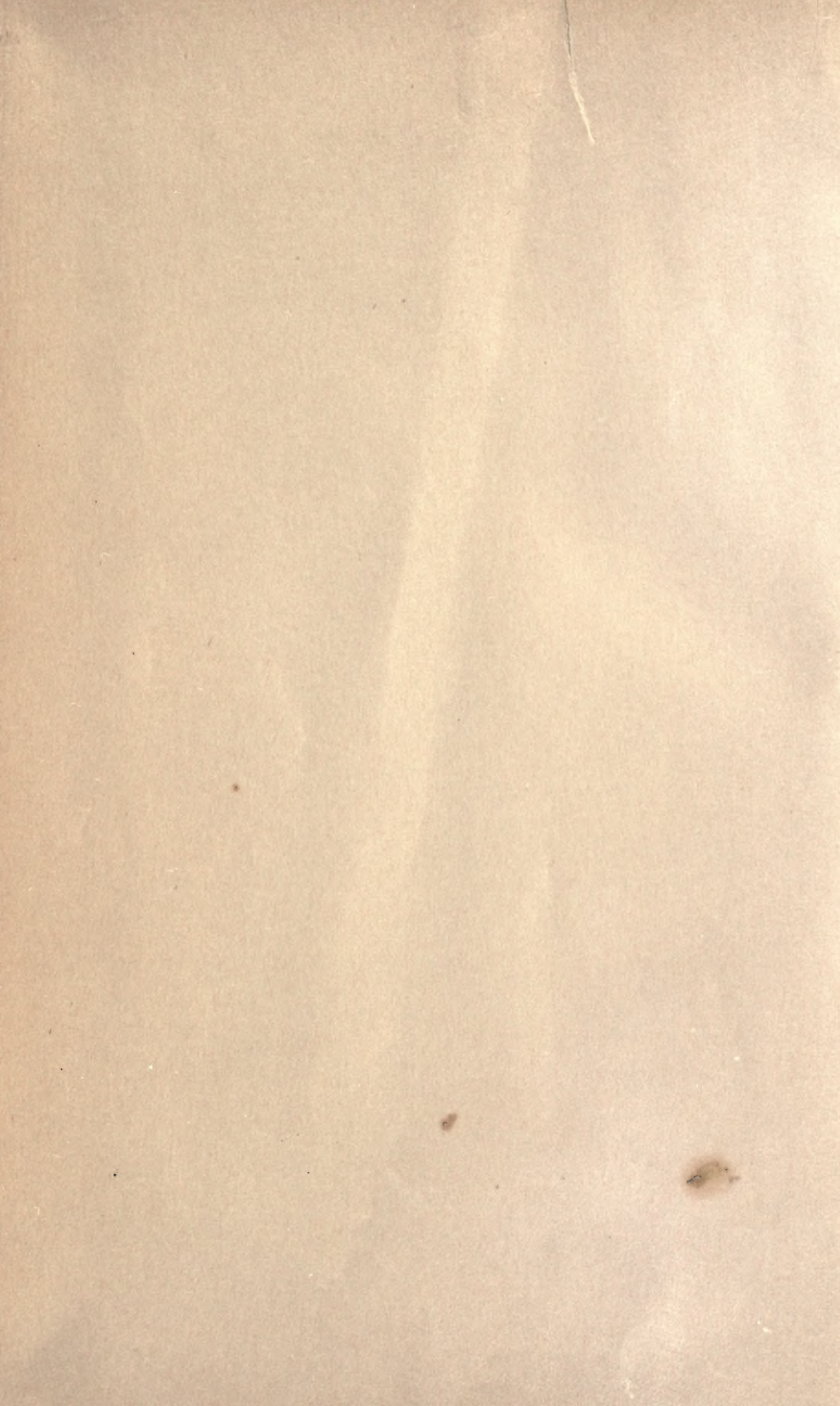














CONSTITUTION  
AND  
LAWS  
OF  
THE CHOCTAW NATION.

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TOGETHER WITH THE  
TREATIES  
OF  
1855, 1865 and 1866.

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PUBLISHED BY AUTHORITY AND DIRECTION OF THE GENERAL COUNCIL

BY

JOSEPH P. FOLSOM,

*Commissioned for the Purpose,*

CHAHTA TAMAHA,  
1869.

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WM. P. LYON & SON, PRINTERS AND PUBLISHERS,  
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Choctaw Nation

August 6, 1890,

Wilson Simon  
Siamia

## PREFACE.

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THIS volume is believed to comprise all the Laws of the Choctaw Nation now in force. Every effort has been made to render it as complete as possible; yet it is probable that some laws may be found herein which have been repealed, and a few omissions may be detected. In some cases, the compiler has been at a loss to decide as to the present validity of several of the former enactments, having no sufficient data for his guidance; and he deemed it better and safer, in such cases, to give them a place in this volume, and leave the question of validity and force thereof to be decided by the proper tribunal.

The compiler has been for some time engaged in translating the whole of this work into our native language. A perfect and faithful translation is aimed at—hence it is a slow work. But it is now in a good state of forwardness, and will be printed and published as soon as practicable—in all probability before the end of this year.

Choctaws have, for several years past, steadily demanded to have the laws of their Nation printed in one volume. That demand is now met; and they will, without doubt, duly appreciate and approve of the same. It will certainly be

found valuable for reference, and a guide, should it become necessary to change or revise the organic structure of our government, in compliance with treaty stipulations or otherwise.

The compiler may, perhaps, state in this connection that he has been collecting the laws ever enacted by the Choctaws—commencing with the earliest enactments east of Mississippi, and down to this time—and has succeeded so well as to entertain a hope of publishing them entire next year. It is thought that this work will show the progress of our Nation in civil government, in the time of nearly fifty years, more than any other work.

JOSEPH P. FOLSOM.



# CONSTITUTION

## OF THE

# CHOCTAW NATION.

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WE, the representatives of the people inhabiting the Choctaw Nation, contained within the following limits, to wit : Beginning at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River ; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same ; thence north along said meridian to the main Canadian river ; thence down said river to its junction with the Arkansas river ; thence down said river to the place of beginning, except the territory bounded as follows, to wit : Beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line, below the mouth of False Washita ; thence running a northwesterly course along the main channel of said Bayou, to the junction of the three prongs of said Bayou, nearest the dividing ridge between Washita and Low Blue rivers, as laid down on Capt. R. L. Hunter's map ; thence northerly along the eastern prong of Island Bayou to its source ; thence due north to the Canadian river ; thence west along the main Canadian to the ninety-eighth degree of west longitude ; thence south to Red River ; and thence down Red River to the place of beginning ; *Provided, however*, if the line running due north from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wa-pa-nacka

Academy within the Chickasaw District ; then an offset shall be made from said line, so as to leave said Academy two miles within the Chickasaw District ; north, west, and south from the lines of boundary, said boundaries being the limits of the Chickasaw District—assembled in Convention at the town of Doaksville, on Wednesday, the eleventh day of January, one thousand eight hundred and sixty, in pursuance of an act of the General Council, Approved Oct. 24, 1859, in order to secure to the citizens thereof the right of life, liberty and property, do ordain and establish the following Constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent Nation, not inconsistent with the Constitution, treaties and laws of the United States, by the name of the Choctaw Nation.

#### DISTRICT BOUNDARIES.

For the convenience and good government of the people of the Choctaw Nation, we do make, ordain and establish four Districts in this Nation, to be known by the following names and boundaries, viz : Mosholatubbee District, Pushamataha District, Apuckshunnubbee District, and Hotubbee District.

The boundary line of Mosholatubbee District shall begin near old Fort Smith, where the Arkansas boundary line crosses the Arkansas River ; thence up said river to the Canadian Fork ; thence up said Canadian to where the Chickasaw District boundary strikes the same, as defined by the Treaty of 1855 ; thence along the said boundary, to where it strikes the dividing ridge, between the Canadian and Red Rivers ; thence easterly along said dividing ridge to the western boundary of the State of Arkansas ; thence along said Arkansas line to the beginning.

The boundary of Apuckshunnubbee District shall begin on Red River, where the Arkansas State line strikes the same ; thence running up said river to the mouth of Kiamichi ; thence up said river to the mouth of Jack's Fork ; thence up said Jack's Fork to the old military road ; thence along said road to the boundary line of Mosholatubbee District, on the top of the dividing ridge, between the Arkansas and Red Rivers ; thence easterly along said



boundary to the western boundary line of the State of Arkansas ; thence along the said State line to the beginning.

The boundary of Pushamataha District shall begin on Red River, at the mouth of Kiamichi ; thence running up said Red River to the mouth of Island Bayou, to where the eastern boundary line of the Chickasaw District strikes said river, as defined by the Treaty of 1855 ; thence along said boundary line to the dividing ridge between the Canadian and Red Rivers ; thence easterly along said ridge to the line of Mosholatubbee District, on the top of the dividing ridge, to where the District line of Apuckshunubbee District intersects Mosholatubbee District ; thence southerly along said line to the beginning.

The boundaries of Hotubbee District shall be embraced within the limits of the ninety-eighth and one hundredth degree of west longitude, and between Red River and Canadian river, known as the "Lease Land."

#### ARTICLE I.

DECLARATION OF RIGHTS.—That the general, great and essential principles of liberty and free government may be recognized and established, we declare :

SEC. 1.—That all free men, when they form a social compact, are equal in rights, and that no man or set of men are entitled to exclusive, separate public emolument or privileges from the community, but in consideration of public services.

SEC. 2.—That all political power is inherent in the people, and all free government are founded on their authority and established for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may think proper or expedient.

SEC. 3.—There shall be no establishment of religion by law. No preference shall ever be given by law to any religious sects, society, denomination or mode of worship. And no religious test shall ever be allowed as a qualification to any public trust under this government.

SEC. 4.—No human authority ought in any case whatever to

control or interfere with the rights of conscience in matters of religion.

SEC. 5.—No person shall for the same offence be twice put in jeopardy of life or limb, nor shall any person's property be taken or applied to public use without the consent of the General Council, and without just compensation being first made therefor.

SEC. 6.—No person shall ever be appointed or elected to any office in this nation for life or during good behaviour, but the tenure of all offices shall be for some limited period of time, if the person appointed or elected thereto so long behave well.

SEC. 7.—The right of trial by jury shall remain inviolate.

SEC. 8.—Every citizen has a right to bear arms in defence of himself and his country.

SEC. 9.—That the printing-press shall be free to every person, and no law shall ever be made to restrain the rights thereof. The free communication of opinion is one of the inviolable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for abuse of that liberty.

SEC. 10.—That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizures and searches, and that no warrant to search any place or to seize any person or thing shall issue, without describing the place to be searched and the person or thing to be seized as nearly as may be, nor without probable cause supported by oath or affirmation. But in all cases where suspicion rests on any person or persons of conveying or secreting whisky or other intoxicating liquors, the same shall be liable to search or seizure as may be hereafter provided by law.

SEC. 11.—That no free man shall be taken, or imprisoned, or disseized of his freehold liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, and property, but by the judgment of his peers or the law of the land.

SEC. 12.—No person shall ever be imprisoned for debt.

SEC. 13.—That excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 14.—That all courts shall be open, and every person for an



injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 15.—That the citizens have a right in a peaceable manner, to assemble together for their common good, to instruct their representatives, and apply to those invested with the powers of the government for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 16.—That no power of suspending laws shall be exercised except by the General Council or its authority.

SEC. 17.—That in all criminal prosecutions, the accused hath a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have a compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county or district where the offence was committed; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, but by due course of law.

SEC. 18.—That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

SEC. 19.—That the General Council shall have power to pass general laws in regard to the collection of fines, bonds, forfeitures, and court fees, and direct the manner of such collection.

SEC. 20.—No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this Nation.

SEC. 21.—No conviction for any offence shall work corruption of blood and forfeiture of estate. The General Council shall pass no bill of attainder, retrospective law, nor law impairing the obligation of contracts.

## ARTICLE II.

## DISTRIBUTION OF POWER.

SEC. 1.—The powers of government of the Choctaw Nation shall be divided into three distinct departments, and each of them confined to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

SEC. 2.—No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereafter expressly directed or permitted by the General Council.

## ARTICLE III.

## LEGISLATIVE DEPARTMENT.

SEC. 1.—The legislative power of this Nation shall be vested in a General Council which shall consist of a Senate and House of Representatives, and the style of their laws shall be, "Be it enacted by the General Council of the Choctaw Nation assembled."

SEC. 2.—The Senate of the Choctaw Nation shall be composed of four Senators from each district, chosen by the qualified electors thereof, for the term of two years.

SEC. 3.—No person shall be a Senator who shall not have attained the age of thirty years and been one year a citizen of this Nation, and who shall not, when elected, be an inhabitant of that District at least six months preceding his election for which he shall be chosen.

SEC. 4.—The House of Representatives shall be composed of members chosen every year by the qualified electors in the several counties of each district, at the ratio of one representative to every one thousand citizens; nevertheless when there is a fractional number of five hundred or more citizens in any county, they shall be entitled to one additional representative; but when the population of any one of the counties shall not reach the ratio of one thousand, they shall still be allowed one representative.



SEC. 5.—In case of death, resignation, or inability of any of the senators or representatives, the Principal Chief shall have the power to make temporary appointments and fill vacancies that may occur in any of the counties.

SEC. 6.—No person shall be a representative, unless he be a citizen of this Nation, and shall have been an inhabitant thereof six months next preceding his election, and the last month thereof a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 7.—The House of Representatives, when assembled, shall choose a Speaker and its other officers, and the Senate shall choose a President and its officers, and each shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 8.—Every bill which shall have passed both houses of the legislature shall be presented to the Principal Chief; if he approve, he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journal and proceed to reconsider it; if, after such re-consideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of the members present of that house it shall become a law, but in such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill be entered on the journals of each house respectively; if any bill shall not be returned by the Principal Chief within three days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it. Every bill presented to the Principal Chief one day previous to the adjournment of the legislature, and not returned to the house in which it originated before its adjournment, shall become a law, and

have the same force and effect as if signed by the Principal Chief.

SEC. 9.—Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same cause.

SEC. 10.—Each house shall keep a journal of its proceedings and publish the same, and the yeas and nays of the members of either House, on any question, shall at the desire of any three members present, be entered on the journal.

SEC. 11.—Each house may punish by imprisonment, during the session, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, provided such imprisonment shall not at any one time exceed forty-eight hours.

SEC. 12.—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 13.—Each member of the General Council shall receive from the public treasury a compensation for his services, which may be increased or diminished by law ; but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 14.—No person who hath heretofore been, or hereafter may be a collector or holder of public moneys, shall have a seat in either house of the General Council, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

SEC. 15.—The first election for Senators and Representatives shall be general throughout the Nation, and shall be held on the first Wednesday in August, 1860, and thereafter there shall be biennial elections for Senators.

SEC. 16.—Senators and Representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Council, and in going to and returning from the same.



## ARTICLE IV.

## JUDICIAL DEPARTMENT.

SEC. 1.—The judicial power of this Nation shall be vested in one Supreme Court, in Circuit and County Courts.

SEC. 2.—Until Hotubbee District shall be duly organized, and officers elected therein under this Constitution, the Supreme Court shall be composed of three Supreme Judges, one to be chosen from Apuckshunubbee District, one from Pushamataha District, and one from Mosholatubbee District, one of whom shall be styled, Chief Justice, and two of whom shall constitute a quorum to do business.

SEC. 3.—The Supreme Court shall have no jurisdiction but such as properly belongs to a court of errors and appeals.

SEC. 4.—The Supreme Judges shall have power to issue writs and other process necessary to the exercise of their appellate jurisdiction, and shall have original jurisdiction only in such cases as may hereafter be provided by law, and shall be conservators of the peace throughout the Nation.

SEC. 5.—The Circuit Courts shall be composed of one Circuit Judge in each District, and shall have original jurisdiction in all criminal cases which shall not be otherwise provided for by law, and exclusive original jurisdiction of all crimes amounting to felony, and original jurisdiction of all civil cases which shall not be cognizable before the Judges of the county, until otherwise directed by law, and original jurisdiction in all matters of contracts, and in all matters of controversy where the same is over fifty dollars. It shall hold its term at such times and places in each district as are now specified by law or may hereafter be provided.

SEC. 6.—The Circuit Courts shall exercise a superintending control over the County Courts, and shall have power to issue all necessary writs and process to carry into effect their general and specific powers under such regulations and restrictions as may be provided by law.

SEC. 7.—The Circuit Judge in each District shall be elected by

the qualified voters of their respective Districts, and the General Council by a joint vote of both houses shall elect the Supreme Judges. Any person receiving the highest number of votes cast shall be elected.

SEC. 8.—The Judges of the Supreme Court shall be at least thirty years of age, and the Circuit Judge of the Circuit Courts shall be at least twenty-five years of age before they shall be eligible to hold the office, and when elected they shall serve for the term of four years from the date of their commission ; they shall appoint their own clerks under such provisions as the law may prescribe.

SEC. 9.—The Judges of the Supreme Court and Circuit Courts shall at stated times receive such compensation for their services, which shall not be increased or diminished during the term for which they are elected, as may be determined by law. They shall not be allowed any fees or perquisites of office.

SEC. 10.—There shall be a court established in each county of this Nation, to be called County Courts, which shall have jurisdiction in all matters relative to disbursement of money for county purpose, and in every other case that may be necessary to the internal improvements and local concerns of their respective counties.

SEC. 11.—The Judges of the County Courts shall in no case have jurisdiction to try and determine any criminal case or penal offence against this Nation, but may sit as examining courts, and commit, discharge, or recognize to the court having jurisdiction for further trial of all offences against the peace and dignity of this Nation ; for the foregoing purposes, they shall have power to issue all necessary writs and process, to bind any person to keep the peace, or to give security for his good behavior.

SEC. 12.—The county Judges shall be elected by the qualified electors of their respective counties, and shall be commissioned by the Principal Chief, and shall hold their office for the term of two years.

SEC. 13.—No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected to him by affinity or consanguinity



within such degrees as may be prescribed by law, or in which he may have been of council, or have presided in any Circuit or County Courts, except by consent of all the parties. In case any or all of the Judges of the Supreme Court shall be thus disqualified from presiding on any cause, or causes, the Court or Judges thereof shall certify the same to the Principal Chief of the Nation, who shall immediately commission the requisite number of men learned in the law for the trial and determination thereof. But in case such disqualification should take place in any of the Circuit or County Judges, the Circuit or County Judge shall have the power to appoint a substitute for that particular case for which he may be disqualified.

SEC. 14.—Judges shall not charge juries with regard to matter of fact, but may state the testimony and declare the law.

SEC. 15.—There shall be a prosecuting Attorney elected in each District by the qualified electors of their respective District whose compensation and term of service shall be prescribed by law.

SEC. 16.—The General Council shall have power by law to prescribe the manner of holding and determining suits in the Circuit and County Courts and the manner of granting appeals.

SEC. 17.—The County Judges in addition to their respective duties that may be required of them by law, shall be Judges of the Courts of Probate and have such jurisdiction in matters relative to the estate of deceased persons, executors, administrators and guardians as may be prescribed by law, until otherwise directed by the General Council.

SEC. 18.—Writs and other process shall run in the name of the Choctaw Nation, and bear test and be signed by the Clerks of their respective Courts from which they issue, and all indictments shall conclude against the peace and dignity of the Choctaw Nation.

SEC. 19.—The General Council shall provide by law for determining contested elections of County Judges.

SEC. 20.—The Supreme Court shall be held twice in each year at the Seat of Government of the Choctaw Nation.

SEC. 21.—The County Judges shall appoint their own Clerks who shall act as Treasurer of the County.

## ARTICLE V.

## EXECUTIVE DEPARTMENT.

SEC. 1. The supreme executive power of the Choctaw Nation shall be vested in one Principal Chief, assisted by three subordinate District Chiefs, who shall hold their respective offices for the term of two years from the time of their installation. But they shall not be eligible for the same office for more than two terms in succession.

SEC. 2.—The Principal Chief of the Choctaw Nation shall be elected by the qualified electors of the Choctaw Nation, and the subordinate Chiefs of the Choctaw Nation shall be elected by the qualified electors of their respective Districts on the first Wednesday in August, Eighteen Hundred and Sixty, and every two years thereafter.

SEC. 3.—The returns of every election for Principal Chief shall be made out, sealed up and transmitted to the Supreme Judges of each District, to be forwarded by him to the National Secretary who shall deliver them to the Speaker of the House of Representatives during the first week of its organization, who shall proceed to open and count the votes in the presence of both houses of the General Council, and the person having the highest number of votes shall be declared Principal Chief by the Speaker. But if two or more shall be equal or highest in votes, then one of them shall be chosen Principal Chief by the joint ballot of both houses of the General Council; but the returns of every election for District and County Officers shall be made out, sealed and transmitted to the Supreme Judge of each District who shall proceed to open, take an abstract, and declare what candidates for District and County Officers are elected, and forward a true copy of the same to the National Secretary who shall file them in his office for safe keeping.

SEC. 4.—In case of death, resignation or removal of the Principal Chief, the President of the Senate shall exercise the duties of Principal Chief, until the next regular election for that office; but should the vacancy be on account of the inability of the Principal

Chief to discharge his duties, the President of the Senate shall exercise the said duties until such inability shall be removed.

SEC. 5.—In case of any vacancy occurring in the office of District Chiefs, the Principal Chief shall have the power to appoint a Chief *pro. tem.* in the District where such vacancy may occur until the next regular election for that office.

SEC. 6.—No person shall be eligible to the office of Principal or District Chief unless he shall have attained the age of thirty years, and have been an inhabitant of the Choctaw Nation at least five years next preceding his election.

SEC. 7.—The Principal Chief shall from time to time give to the General Council information of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 8.—The Principal Chief shall take care that the laws be faithfully executed.

SEC. 9.—The Principal Chief may, by proclamation, on extraordinary occasions convene the General Council at the Seat of Government, or at a different place if that have become since their last adjournment, dangerous from an enemy or from contagious disease.

SEC. 10.—In case of disagreement between the two houses with respect to the time of adjournment, the Principal Chief may adjourn them to such a time as he shall think best, not beyond the day of the next meeting of the General Council.

SEC. 11.—All vacancies which may occur in office that are elective by the People or General Council, the Principal Chief shall have the power to fill such vacancies by appointment until the next regular election.

SEC. 12.—No person shall hold the office of Principal or District Chief, and any other office or commission, either in this Nation, or under any State, or in the United States or any power, at one and the same time.

SEC. 13.—The District Chiefs shall have such superintending control over the affairs of their respective districts as may be prescribed by the General Council. It shall be their duty to have the laws properly enforced within their respective limits. They shall



from time to time report to the Principal Chief such information respecting the affairs of their Districts, and recommend for his consideration such measures as they may deem expedient.

SEC. 14.—A Sheriff and Ranger shall be elected in each County by the qualified electors thereof, who shall hold their office for the term of two years unless sooner removed. And it shall be the duty of the District Chiefs to appoint a competent number of light horsemen in their respective Districts as may hereafter be provided by law, who shall hold their offices for the term of two years unless sooner removed.

SEC. 15.—The Principal Chief, National Secretary, National Treasurer, National Auditor, and National Attorney, shall reside at or near the seat of government.

SEC. 16.—The Principal Chief shall be head-commander of the militia of this Nation.

## ARTICLE VI.

### IMPEACHMENTS.

SEC. 1.—The House of Representatives shall have the sole power of impeaching.

SEC. 2.—All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3.—The chiefs and all civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such case shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit under this Nation, but the party convicted shall nevertheless be liable, and subject to indictment, trial, and punishment according to law as in other cases.

## ARTICLE VII.

### GENERAL PROVISIONS.

SEC. 1.—Until Hotubbee District shall be duly organized, the Principal Chief of the Choctaw Nation shall exercise such au-

thority over the citizens of this Nation, living in that District, as he may deem expedient for the protection of person, life, and property.

SEC. 2.—No person shall be Principal Chief, or Subordinate Chief, Senator, or Representative, unless he be a free male citizen of the Choctaw Nation, and a lineal descendant of the Choctaw or Chickasaw race.

SEC. 3.—The General Council shall have the power to determine what county or counties shall be entitled to elect one or more Senators in the several Districts of this Nation.

SEC. 4.—Members of the General Council and other officers, both executive and judicial, before they enter upon the duties of their respective offices shall take the following oath or affirmation, to wit: I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the Choctaw Nation, and that I will faithfully and impartially discharge, to the best of my abilities, the duties of the office of \_\_\_\_\_ according to law. So help me God.

SEC. 5.—The General Council shall have the power to determine the compensation of the Principal Chief, District Chiefs, and other officers of the Nation, which compensation shall not be increased or diminished for the term of years they are elected or appointed.

SEC. 6.—The General Council shall have power by law to specify the manner in which offenders against the laws of this Nation, who may escape into the United States, or into any Indian Nation, or from one district into another in this Nation, shall be demanded, apprehended, and arraigned for trial in the several courts of this Nation, having original jurisdiction thereof.

SEC. 7.—Every free male citizen of this Nation who shall have attained to the age of eighteen years, and who shall have been a citizen of this Nation six months, shall be deemed a qualified elector, and shall be entitled to vote in the county or district where he may have actually resided at least one month preceding the election for each and every office made elective in this Nation.

SEC. 8.—All general elections shall be by ballot; and the electors in all cases, except in cases of treason, felony, and breach of

the peace, shall be privileged from arrest during their attendance at elections and on going to and returning therefrom.

SEC. 9.—The General Council shall have the power by law to establish one or more precincts in each county in the several districts of this Nation, and prescribe the mode and manner of holding and conducting elections.

SEC. 10.—The oath of office may be administered by any of the Judges of this Nation until the General Council shall otherwise direct.

SEC. 11.—The General Council shall have the power to pass such laws and measures as they shall deem expedient for the general good of the Choctaw people, provided no law be passed or adopted contrary to the provisions of this Constitution.

SEC. 12.—The mode of declaring war in this Nation shall be by at least two-thirds of the members of the General Council in full Council, with the approval of the Principal Chief, unless in case of actual invasion by an enemy, in which case the people shall have the right to defend themselves until the Council is convened by proclamation of the Principal Chief, and measures of defence prescribed.

SEC. 13.—The Principal Chief shall have the power, by and with the advice and consent of the Senate, to appoint Commissioners, or Delegates, to transact such business as may become expedient to the Choctaw Nation, and all other officers whose appointments are not herein or otherwise provided for.

SEC. 14.—The General Council of the Choctaw Nation shall have the power to pass such laws as they may deem expedient to punish rebellion, treason and other high crimes against the Nation.

SEC. 15.—All contested elections for Principal Chief and other officers shall be determined as the law may prescribe.

SEC. 16.—The General Council shall have the power to create by law such regulations and commissions, and appoint Superintendents and such other officers, as the case may be, required for the promotion and advancement of all the schools in this Nation.

SEC. 17.—Eighteen thousand dollars of the interest money arising from the Chickasaw fund, granted to the Choctaws by convention held and concluded at Doaksville, shall be set apart annually for



educational purposes, and the remaining seven thousand dollars shall be set apart, annually, to be expended as the law may hereafter direct.

SEC. 18.—Any citizen of this Nation who may find any mine or mines, or mineral waters, shall have exclusive right and privilege to work the same, so long as he may choose, within one mile in any direction from his works or improvements ; provided, however, he does not interfere with the rights of the former settler.

SEC. 19.—No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the Civil Department of this Nation, nor shall be allowed his oath in any Court of Justice.

SEC. 20.—The Treasurer of this Nation, together with all other persons who may be intrusted with public money shall be required to give such bond and security as may be prescribed by law.

SEC. 21.—No laws of a general nature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

SEC. 22.—No money shall be drawn from the Treasury but in consequence of an appropriation made by law ; an accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws, at every regular session of the General Council.

SEC. 23.—That all the provisions in the Constitution, now in existence, and not revised or adopted by this Constitution, are hereby declared null and void ; and that any law which may be passed contrary to the provisions herein specified shall be null and void ; and all rights and powers not herein granted or expressed shall be reserved unto the people.

SEC. 24.—Divorces from the bond of matrimony shall not be granted but in cases provided for by law.

## ARTICLE VIII.

### MILITIA.

SEC. 1.—The General Council shall provide by law for organizing and disciplining the militia of this Nation, in such manner as they

shall deem expedient, not incompatible with the Constitution, Treaties and Laws of the United States, in relation thereto.

SEC. 2.—Officers of the Militia shall be elected or appointed in such manner as the General Council shall from time to time direct, and shall be commissioned by the Principal Chief.

SEC. 3.—The Principal Chief shall have power to call forth the militia to execute the laws of the Nation, to suppress insurrections and repel invasions.

#### ARTICLE IX.

##### MODE OF AMENDING AND REVISING THE CONSTITUTION.

SEC. 1.—Whenever a majority of the members of the General Council assembled shall deem it necessary, they may propose an amendment or amendments to this Constitution; which amendment shall be submitted by the National Secretary, at least four months preceding the next regular election, at which the qualified voters shall vote directly for and against such proposed amendment, or amendments; and if it shall appear that a majority of the qualified voters shall have voted in favor of such amendment or amendments, then the same may be incorporated as a part of this Constitution at the next succeeding General Council.

SEC. 2.—And if at any time two-thirds of the Senate and the House of Representatives shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the General Council, to vote for or against the Convention, and it shall appear that a majority of the electors voting at such election, have voted in favor of calling a Convention, the General Council shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of Delegates equal to the number of members in the House of Representatives of the General Council.

#### SCHEDULE.

SEC. 1.—All matters now pending in the several courts of this Nation, shall be transferred to such courts as may have proper jurisdiction thereof under this Constitution.

SEC. 2.—All rights, prosecutions, claims on contracts, as well of individuals as bodies corporate, and laws now in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the General Council, shall remain in full force.

SEC. 3.—Any special appointments or contracts heretofore made and approved under existing laws or resolutions of the General Council, shall be approved by the Principal Chief of this Nation, and the appointees -commissioned, and contracts so made ratified by him.

SEC. 4.—In order that no inconvenience may result to the public service, from the taking effect of this Constitution, no office shall be suspended, nor any laws relative to the duties thereof be changed or abrogated, until the officers elected and appointed under this Constitution shall be duly qualified and enter upon their respective duties.

SEC. 5.—Immediately after the governor of this Nation shall make proclamation that this Constitution is ratified by the people, then it shall be the duty of the President of this Convention to give notice forthwith to all the Probate Judges in this Nation, directing them to hold an election on the first Wednesday in August, A. D. 1860, for a Principal Chief and all other officers, district and county, provided for in this Constitution, to be conducted in the manner prescribed by the existing election laws ; should there be any vacancy, however, in the office of Probate Judge, then it shall be the duty of any of the county officers to order the said elections.

SEC. 6.—The returns for the elections above directed shall be sent sealed to the President of this Convention, who shall open and publish the same, giving certificates to those whom the returns show to be chosen for the various officers ; the returns for Principal Chief shall be transmitted as the Constitution directs.

SEC. 7.—The President of this Convention shall call to his assistance two or more competent persons to aid him in making out the returns of the said elections.

SEC. 8.—In the event the President of this Convention should die, then the returns of the elections for Principal Chief and other



officers, shall be transmitted to the National Secretary, who shall proceed as in manner above directed.

SEC. 9.—Until apportionment shall be made by law, in pursuance of this Constitution, for the election of Senators, the counties of three Districts, singly and severally, shall elect a Senator or Senators for members to the General Council as follows :

#### IN APUKSHANUBBEE DISTRICT.

Towson County,	-	-	-	One Senator.
Cedar County, }	-	-	-	One Senator.
Wade County, }				
Red River County, }	-	-	-	One Senator.
Boktucklo County, }				
Eagle County, }	-	-	-	One Senator.
Nashoba County, }				

#### IN PUSHAMATAHA DISTRICT.

Kiamichi County,	-	-	-	One Senator.
Blue County, -	-	-	-	One Senator.
Atoka County, -	-	-	-	One Senator.
Jack's Fork County,	-	-	-	One Senator.

#### IN MOSHOLATUBBEE DISTRICT.

Sugar-Loaf County,	-	-	-	One Senator.
Skullyville County,	-	-	-	One Senator.
Sans Bois County,	-	-	-	One Senator.
Gaines County, }	-	-	-	One Senator.
Tobucksy County, }				

SEC. 10.—The first election for members to the House of Representatives, under this Constitution, shall consist of a num-

ber of members equal to the apportionment under the existing laws.

GEORGE HUDSON,

President of the Convention.

W. A. DIBRELL, Clerk.

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DELEGATES OF THE CONVENTION :

FORBIS LEFLORE,  
L. P. PITCHLYNN,  
ELLIS W. FOLSOM,  
WM. McCOY,  
JOSEPH DUKES,  
WM. S. PATTON,  
EDMOND GARDNER,  
JOSEPH P. FOLSOM,  
JOHN PICKEN (his + mark)  
STEPHEN HOLSON,  
S. P. WILLIS,  
ALFRED SHON **EY**  
PLINY FISK,  
SIMON CONKLIL,  
PISTAMBEE,  
PETER WATSON (his + mark),  
DANIEL MILLER,  
ADAM NAIL,  
DAVIS KING.

# AMENDMENTS TO THE CONSTITUTION

OF THE

## CHOCTAW NATION.



SEC. 1.—The National Secretary, National Treasurer, National Auditor, and National Attorney shall be elected by the qualified electors of this Nation, who shall hold their offices for the term of two years and until their successors are elected and qualified, unless sooner removed ; and they shall perform such duties as may be prescribed by law.

SEC. 2.—The seat of government shall be permanently fixed at Armstrong Academy, and shall be called and known as Chahta Tamaha, and the first and all future sessions of the General Council shall commence on the first Monday of October, 1863, and each and every year thereafter, and shall be held at the Chahta Tamaha aforesaid.



T R E A T Y  
B E T W E E N  
T H E U N I T E D S T A T E S  
A N D T H E  
C H O C T A W A N D C H I C K A S A W I N D I A N S.

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Articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States ; Peter P. Pitchlynn, Israel Fulsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws ; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws.

Whereas, the political connection heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a re-adjustment of their relations to each other and to the United States : and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and, also, to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the

United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude: and, whereas, the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment: and, whereas, it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument:

Now, therefore, the United States of America, by their Commissioner, George W. Mannypenny; the Choctaws, by their Commissioners, Peter P. Pitchlyn, Israel Folsom, Samuel Garland, and Dixon W. Lewis; and the Chickasaws, by their Commissioners, Edmund Pickens and Sampson Folsom, do hereby agree and stipulate as follows, viz:

#### ARTICLE I.

The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, viz: Beginning at a point on the Arkansas River, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to its junction with the Arkansas River; thence down said river to the place of beginning.

And pursuant to an Act of Congress, approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held

in common; so that each and every member of either tribe shall have an equal, undivided interest in the whole : *Provided, however,* no part thereof shall ever be sold without the consent of both tribes; and that said land shall revert to the United States if said Indians and their heirs become extinct, or abandon the same.

## ARTICLE II.

A district for the Chickasaws is hereby established, bounded as follows, to wit : beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line, below the mouth of False Wachitta; thence running a northwesterly course along the main channel of said Bayou to the junction of the three prongs of said Bayou, nearest the dividing ridge between Wachitta and Low Blue Rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian River; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red River; and thence down Red River to the beginning : *Provided, however,* if the line running due north from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wa-pa-nacka Academy within the Chickasaw District, then, an offset shall be made from said line, so as to leave said Academy two miles within the Chickasaw District, north, west and south from the lines of boundary.

## ARTICLE III.

The remainder of the country held in common by the Choctaws and Chickasaws, shall constitute the Choctaw District, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw District.

## ARTICLE IV.

The government and laws now in operation and not incompatible with this instrument, shall be and remain in full force and effect



within the limits of the Chickasaw District, until the Chickasaws shall adopt a Constitution, and enact Laws, superseding, abrogating, or changing the same. And all judicial proceedings within said district, commenced prior to the adoption of a Constitution and Laws by the Chickasaws, shall be conducted and determined according to existing laws.

#### ARTICLE V.

The members of either the Choctaw or the Chickasaw tribe shall have the right, freely, to settle within the jurisdiction of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of citizens thereof; but no member of either tribe shall be entitled to participate in the funds belonging to the other tribe. Citizens of both tribes shall have the right to institute and prosecute suits in the courts of either, under such regulations as may, from time to time, be prescribed by their respective legislatures.

#### ARTICLE VI.

Any person duly charged with a criminal offence against the laws of either the Choctaw or the Chickasaw tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered, upon the demand of the proper authorities of the tribe, within whose jurisdiction the offence shall be alleged to have been committed.

#### ARTICLE VII.

So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and the Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property, within their respective limits; excepting, however, all persons with their property, who are not by birth, adoption, or otherwise, citizens or members of either the Choctaw or Chickasaw tribe; and all persons, not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed

from, and kept out of the same, by the United States Agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now, or may be in the employment of the Government and their families; those peacefully traveling, or temporarily sojourning in the country, or trading therein, under license from the proper authority of the United States; and such as may be permitted by the Choctaws or Chickasaws, with the assent of the United States Agent, to reside within their limits, without becoming citizens or members of either of said tribes.

#### ARTICLE VIII.

In consideration of the foregoing stipulations, and immediately upon the ratification of this Convention, there shall be paid to the Choctaws, in such manner as their National Council shall direct, out of the National Fund of the Chickasaws, held in trust by the United States, the sum of one hundred and fifty thousand dollars.

#### ARTICLE IX.

The Choctaw Indians do hereby absolutely and for ever quit claim and relinquish to the United States all their right, title and interest in, and to any and all lands, west of the one hundred degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein; excluding, however, all the Indians of New Mexico, and also, those whose usual ranges at present, are north of the Arkansas River, and whose permanent locations are north of the Canadian River, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas; which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, as may from time to time be prescribed by the President for their

government. *Provided, however,* the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

#### ARTICLE X.

In consideration of the foregoing relinquishment and lease, and, as soon as practicable after the ratification of this Convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, and to the Chickasaws the sum of two hundred thousand dollars, in such manner as their General Councils shall respectively direct.

#### ARTICLE XI.

The Government of the United States, not being prepared to assent to the claim set up under the treaty of September the twenty-seventh, eighteen hundred and thirty, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration; it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States :

First—Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September the twenty-seventh, eighteen hundred and thirty, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws to the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

Second—Whether the Choctaws shall be allowed a gross sum, in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much.

#### ARTICLE XII.

In case the Senate shall award to the Choctaws the net proceeds



of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just—the settlement and payment to be made with the advice and under the direction of the United States Agent for the tribe; and so much of the fund awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the United States. But should the Senate allow a gross sum, in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for, and bound to pay, all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final.

#### ARTICLE XIII.

The amounts secured by existing treaty stipulations—viz: permanent annuity of three thousand dollars, under the second article of the treaty of eighteen hundred and five; six hundred dollars per annum for the support of light-horse men, under the thirteenth article of the treaty of eighteen hundred and twenty; permanent annuity of six thousand dollars for education, under the second article of the treaty of eighteen hundred and twenty-five; six hundred dollars per annum permanent provision for the support of a blacksmith, under the sixth article of the treaty of eighteen hundred and twenty; and three hundred and twenty dollars permanent provision for iron and steel, under the ninth article of the treaty of eighteen hundred and twenty-five, shall continue to be paid to, or expended for the benefit of, the Choctaws as heretofore; or the same may be applied to such objects of general utility as may, from time to time, be designated by the General Council of the tribe, with the approbation of the govern-

ment of the United States. And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held ; together with the sum of five hundred thousand dollars out of the amount payable to them under articles eighth and tenth of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws, by the Senate, under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall constitute a general Choctaw fund, yielding an annual interest of not less than five per centum ; no part of which shall be paid out as annuity, but shall be regularly and judiciously applied, under the direction of the General Council of the Choctaws, to the support of their government, for purposes of education, and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

#### ARTICLE XIV.

The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws ; and for all injuries, resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

#### ARTICLE XV.

The Choctaws and Chickasaws shall promptly apprehend and deliver up all persons accused of any crime or offence against the laws of the United States, or any State thereof, who may be found within their limits, on demand of any proper officer of a State or of the United States.

## ARTICLE XVI.

All persons licensed by the United States to trade with the Choctaws and the Chickasaws, shall be required to pay to the respective tribes a moderate annual compensation for the land and timber used by them ; the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent.

## ARTICLE XVII.

The United States shall have the right to establish and maintain such military posts, post-roads, and Indian Agencies, as may be deemed necessary within the Choctaw and Chickasaw country, but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite ; and if, in the establishment or maintenance of such posts, post-roads, and agencies, the property of any Choctaw or Chickasaw shall be taken, injured or destroyed, just and adequate compensation shall be made by the United States. Only such persons as are, or may be, in the employment of the United States, or subject to the jurisdiction of the laws of the Choctaws or Chickasaws, shall be permitted to farm or raise stock within the limits of any of said military posts or Indian Agencies. And no offender against the laws of either of said tribes shall be permitted to take refuge therein.

## ARTICLE XVIII.

The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Choctaw and Chickasaw country ; but for any property taken or destroyed in the construction thereof, full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct.

## ARTICLE XIX.

The United States shall, as soon as practicable, cause the east-



ern and western boundary lines of the tract of country described in the 1st article of this convention, and the western boundary of the Chickasaw district, as herein defined, to be run and permanently marked.

#### ARTICLE XX.

That this convention may conduce, as far possible, to the restoration and preservation of kind and friendly feeling among the Choctaws and Chickasaws, a general amnesty of all past offences, committed within their country, is hereby declared.

And in order that their relations to each other and to the United States may hereafter be conducted in a harmonious and satisfactory manner, there shall be but one Agent for the two tribes.

#### ARTICLE XXI.

This convention shall supersede and take the place of all former treaties between the United States and the Choctaws, and, also, of all treaty stipulations between the United States and the Chickasaws, and between the Choctaws and Chickasaws, inconsistent with this agreement, and shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by the President and Senate of the United States.

#### ARTICLE XXII.

It is understood and agreed that the expenses of the respective commissioners of the two tribes, signing these articles of agreement and convention, in coming to, and returning from this city, and while here, shall be paid by the United States.

## ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these presents shall come, greeting :

Whereas, a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley, Elijah Sells, and E. S. Parker, Commissioners on the part of the United States; and Alfred Wade, Allen Wright, James Riley, and John Page, Commissioners on the part of the Choctaw Nation of Indians; and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, Commissioners on the part of the Chickasaw Nation of Indians, all of which Commissioners were duly authorized thereto, which Treaty is in the words and figures following, to wit :

Articles of agreement and convention between the United States and the Choctaw and Chickasaw Nations of Indians, made and concluded at the city of Washington the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, Special Commissioners on the part of the United States; and Alfred Wade, Allen Wright, James Riley, and John Page, Commissioners on the part of the Choctaws; and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, Commissioners on the part of the Chickasaws.

## ARTICLE I.

Permanent peace and friendship are hereby established between the United States and said Nations : and the Choctaws and Chickasaws do hereby bind themselves respectively to use their influence, and to make every exertion to induce the Indians of the plains to maintain peaceful relations with each other, with other Indians, and with the United States.

## ARTICLE II.

The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime, whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular Nation, shall ever exist in said nations.

## ARTICLE III.

The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States at an interest not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said Nations at the date of the Treaty of Fort Smith, and their descendants heretofore held in slavery among said Nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said Nations, except in the annuities, moneys, and public domain claimed by or belonging to said Nations respectively, and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said Nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided ; and immediately on the enactment



of such laws, rules, and regulations, the said sum of \$300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter—less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to, as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said Nations respectively.

And should the said laws, rules, and regulations not be made by the legislatures of the said Nations respectively, within two years from the ratification of this treaty, then the said sum of \$300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and the benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper—the United States agreeing, within ninety days from the expiration of the said two years, to remove from said Nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said Nations, to have no benefit of said sum of \$300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said Nations.

#### ARTICLE IV.

The said Nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw Courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce.

And they agree on the part of their respective Nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws and negroes, and that no distinction respecting the latter shall at any time be made; and that they shall be treated with kindness and be protected against injury; and they further agree, that

while the said freedmen, now in the Choctaw and Chickasaw Nations, remain in the said Nations respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant; it being understood that in the event of the making of the laws, rules and regulations aforesaid, the forty acres aforesaid shall stand in place of the land cultivated as last aforesaid.

#### ARTICLE V.

A general amnesty of all past offences against the laws of the United States committed before the signing of this treaty by any member of the Choctaw or Chickasaw Nations is hereby declared; and the United States will especially request the States of Missouri, Kansas, Arkansas and Texas to grant the like amnesty as to all offences committed by any member of the Choctaw or Chickasaw Nation. And the Choctaws and Chickasaws, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their respective governments; and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who may have remained friendly to the United States, but they shall enjoy equal privileges with other members of said tribes, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

#### ARTICLE VI.

The Choctaws and Chickasaws hereby grant a right of way through their lands to any company or companies which shall be duly authorized by Congress or by the Legislatures of said Nations respectively, and which shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad through the Choctaw and Chickasaw Nations, from the North to the South thereof, and from the East to the West side thereof, in accordance with the provisions of the 18th Article of the Treaty of June 22d, 1855, which provides for any property taken

or destroyed in the construction thereof, full compensation shall be made to the party or parties injured ; to be ascertained and determined in such manner as the President of the United States shall direct. But such railroad company or companies, with all its or their agents and employees, shall be subject to the laws of the United States, relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose: and it is also stipulated and agreed that the nation through which the road or roads aforesaid shall pass may subscribe to the stock of the particular company or companies such amount or amounts, as they may be able to pay for, in alternate sections of unoccupied lands, for a space of six miles on each side of said road or roads, at a price per acre to be agreed upon between said Choctaw and Chickasaw Nations and the said company or companies, subject to the approval of the President of the United States.

*Provided*, however, that said land thus subscribed shall not be sold, or demised, or occupied by any one not a citizen of the Choctaw or Chickasaw Nations, according to their laws and recognized usages: *Provided*, that the officers, servants and employees of such companies necessary to the construction and management of said road or roads shall not be excluded from such occupancy as their respective functions may require, they being subject to the provisions of the Indian intercourse law, and such rules and regulations as may be established by the Secretary of the Interior: *And, provided, also*, that the stock thus subscribed by either of said nations shall have the force and effect of a first mortgage bond on all that part of said road, appurtenances and equipments situated and used within said nations respectively, and shall be a perpetual lien on the same; and the said nation shall have the right, from year to year, to elect to receive their equitable proportion of declared dividends of profits on their said stock, or interest on the par value at the rate of six per cent. per annum.

2. And it is further declared, in this connection, that as fast as sections of twenty miles in length are completed with the rails laid ready for use, with all water and other stations necessary to the use thereof, as a first-class road, the said company or compa-



nies shall become entitled to patents for the alternate sections aforesaid, and may proceed to dispose thereof in the manner herein provided for, subject to the approval of the Secretary of the Interior.

3. And it is further declared, also, in case of one or more of said alternate sections being occupied by any member or members of said nations respectively, so that the same cannot be transferred to the said company or companies, that the said nation or nations, respectively, may select any unoccupied section or sections as near as circumstances will permit to the said width of six miles on each side of said road or roads, and convey the same as an equivalent for the section or sections so occupied as aforesaid.

#### ARTICLE VII.

The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory; provided, however, such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges or customs of the Choctaw and Chickasaw Nations respectively.

#### ARTICLE VIII.

The Choctaws and Chickasaws also agree that a Council, consisting of Delegates elected by each nation or tribe, lawfully resident within the Indian territory, may be annually convened in said territory, to be organized as follows:

1. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said assembly a census of each tribe lawfully resident in said territory, shall be taken under the direction of the Superintendent of Indian Affairs, by competent persons, to be appointed by him, whose compensation shall be fixed by the Secretary of the Interior, and paid by the United States.

2. The Council shall consist of one member from each tribe or

nation whose population shall exceed five hundred, and an additional member for each one thousand Indians, native or adopted, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory; and shall be selected by the tribes or nations respectively who may assent to the establishment of said general assembly; and if none should be thus formally selected by any nation or tribe, it shall be represented in said general assembly by the Chief or Chiefs and head men of said tribes, to be taken in the order of their rank, as recognized in tribal usage, in the number and proportions above indicated.

3. After the said census shall have been taken and completed, the Superintendent of Indian Affairs shall publish and declare to each tribe the number of members of said Council to which they shall be entitled under the provision of this article; and the persons so to represent the said tribes shall meet at such time and place as he shall designate; but thereafter the time and place of the sessions of the General Assembly shall be determined by itself. *Provided*, that no session in any one year shall exceed the term of thirty days, and provided that special sessions may be called whenever, in the judgment of the Secretary of the Interior, the interests of said tribes shall require it.

4. The General Assembly shall have power to legislate upon all subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in the said territory—the arrest and extradition of criminals escaping from one tribe to another—the administration of justice between members of the several tribes of the said territory, and persons other than Indians and members of said tribes or nations—the construction of works of internal improvement and the common defence and safety of the nations of the said territory. All laws enacted by said Council shall take effect at the times therein provided, unless suspended by the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States; nor shall said Council legislate upon matters pertaining to the legislative, judicial, or

other organization, laws, or customs of the several tribes or nations, except as herein provided for.

5. Said Council shall be presided over by the Superintendent of Indian Affairs, or in case of his absence from any cause, the duties of the Superintendent, enumerated in this article, shall be performed by such person as the Secretary of the Interior shall indicate.

6. The Secretary of the Interior shall appoint a Secretary of said Council, whose duty it shall be to keep an accurate record of all the proceedings of said Council, and to transmit a true copy thereof, duly certified by the Superintendent of Indian Affairs, to the Secretary of the Interior immediately after the sessions of said Council shall terminate. He shall be paid five hundred dollars as an annual salary, by the United States.

7. The members of the said Council shall be paid by the United States four dollars per diem while in actual attendance thereon; and four dollars mileage for every twenty miles, going and returning therefrom in the most direct route, to be certified by the Secretary of said Council and the presiding officer.

8. The Choctaws and Chickasaws also agree that a Court or Courts may be established in said Territory, with such jurisdiction and organization as Congress may prescribe: *Provided*, the same shall not interfere with the local judiciary of either of said Nations.

9. Whenever Congress shall authorize the appointment of a delegate from said Territory, it shall be the province of said council to elect one from among the nations represented in said council.

10. And it is further agreed that the Superintendent of Indian Affairs shall be the Executive of the said Territory, with the title of "Governor of the Territory of Oklahoma," and that there shall be a Secretary of the said Territory, to be appointed by the said Superintendent; that the duty of the said Governor, in addition to those already imposed on the Superintendent of Indian Affairs, shall be such as properly belong to an executive officer charged with the execution of the laws, which the said council is authorized to enact under the provisions of this Treaty; and that for



this purpose he shall have authority to appoint a Marshal of said Territory and an Interpreter; the said Marshal to appoint such Deputies, to be paid by fees, as may be required to aid him in the execution of his proper functions; and be the Marshal of the principal court of said Territory, that may be established under the provisions of this Treaty.

11. And the said Marshal and the said Secretary shall each be entitled to a salary of \$500 per annum, to be paid by the United States, and such fees in addition thereto as shall be established by said Governor, with the approbation of the Secretary of the Interior; it being understood that the said fee lists may at any time be corrected and altered by the Secretary of the Interior, as the experience of the system proposed herein to be established, shall show to be necessary, and shall in no case exceed the fees paid to Marshals of the United States for similar services. The salary of the Interpreter shall be \$500, to be paid in like manner by the United States.

12. And the United States agree that in the appointment of Marshals and Deputies, preference, qualifications being equal, shall be given to competent members of the said Nations, the object being to create a laudable ambition to acquire the experience necessary for political offices of importance in the respective Nations.

13. And, whereas, it is desired by the said Choctaw and Chickasaw Nations, that the said Council should consist of an Upper and Lower House, it is hereby agreed that whenever a majority of the tribes or Nations represented in said Council shall desire the same, or the Congress of the United States shall so prescribe, there shall be in addition to the Council now provided for, and which shall then constitute the Lower House, an Upper House, consisting of one member from each tribe entitled to representation in the Council now provided for—the relations of the two Houses to each other being such as prevail in the States of the United States: each House being authorized to choose its presiding officer and clerk to perform the duties appropriate to such offices; and it being the duty, in addition, of the clerks of each House, to make out and transmit to the territorial Secretary fair

copies of the proceedings of the respective Houses immediately after their respective sessions, which copies shall be dealt with by the said Secretary as is now provided in the case of copies of the proceedings of the Council mentioned in this act; and the said clerks shall each be entitled to the same per diem as members of the respective Houses, and the presiding officers to double that sum.

#### ARTICLE IX.

Such sums of money as have, by virtue of treaties existing in the year 1861, been invested for the purposes of education, shall remain so invested, and the interest thereof, including any arrears which may have accrued, shall be applied for the same purposes, in such manner as shall be designated by the legislative authorities of the Choctaw and Chickasaw Nations respectively.

#### ARTICLE X.

The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation, with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further, agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation, from and after the close of the fiscal year ending on the thirtieth of June, in the year eighteen hundred and sixty-six.

#### ARTICLE XI.

Whereas, the land occupied by the Choctaw and Chickasaw Nations, and described in the treaty between the United States and said Nations, of June 22d, 1855, is now held by the members of said Nations in common under the provisions of the said treaty: and whereas, it is believed that the holding of the said land in severalty will promote the general civilization of said Nations, and tend to advance their permanent welfare, and the best interests of their individual members, it is hereby agreed that should the Choctaw and Chickasaw people, through their respective legisla-

tive councils, agree to the survey and dividing of their land on the system of the United States, the land aforesaid, east of the ninety-eighth degree of west longitude, shall be, in view of the arrangements hereinafter mentioned, surveyed and laid off in ranges, townships, sections, and parts of sections; and that for the purpose of facilitating such surveys, and for the settlement and distribution of said land, as hereinafter provided, there shall be established at Boggy Depot, in the Choctaw territory, a land office; and that in making the said surveys, and conducting the business of the said office, including the appointment of all necessary agents and surveyors, the same system shall be pursued which has heretofore governed in respect to the public lands of the United States; it being understood that the said surveys shall be made at the cost of the United States, and by their agents and surveyors, as in the case of their own public lands, and that the officers and employees shall receive the same compensation as is paid to officers and employees in the land offices of the United States in Kansas.

#### ARTICLE XII.

The maps of said surveys, shall exhibit, as far as practicable, the outlines of the actual occupancy of members of the said Nations, respectively, and when they are completed shall be returned to the said land office at Boggy Depot for inspection by all parties interested, when notice for ninety days shall be given of such returns, in such manner as the legislative authorities of the said Nations respectively shall prescribe, or in the event of said authorities failing to give such notice in a reasonable time, in such manner as the register of said land office shall prescribe, calling upon all parties interested to examine said maps, to the end that errors, if any, in the location of such occupancies may be corrected.

#### ARTICLE XIII.

The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee,



Louisiana, Texas, Arkansas and Alabama, to the end, that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, that before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become *bona fide* resident in the said Nation within five years from the time of selection; and should the said absentee fail to remove into said Nation, and occupy and commence an improvement on the land selected, within the time aforesaid, the said selection shall be cancelled, and the land shall thereafter be discharged from all claim on account thereof.

#### ARTICLE XIV.

At the expiration of the ninety days aforesaid, the legislative authorities of the said Nations respectively, shall have the right to select one quarter section of land in each of the counties of said Nations respectively, in trust for the establishment of seats of justice therein, and also as many quarter sections as the said legislative councils may deem proper for the permanent endowment of schools, seminaries, and colleges in said Nation, provided such selection shall not embrace or interfere with any improvement in the actual occupation of any member of the particular Nation without his consent; and provided, the proceeds of sale of the quarter section selected for seats of justice shall be appropriated for the erection or improvement of public buildings in the county in which it is located.

#### ARTICLE XV.

At the expiration of the ninety days notice aforesaid, the selection, which is to change the tenure of the land in the Choctaw and Chickasaw Nations from a holding in common to a holding in severalty, shall take place, when every Choctaw and

Chickasaw shall have the right to one quarter section of land, whether male or female, adult or minor, and if in actual possession or occupancy of land improved or cultivated by him or her, shall have a prior right to the quarter section in which his or her improvement lies ; and every infant shall have selected for him or her a quarter section of land in such location as the father of such infant, if there be a father living, and if no father living, then the mother or guardian, and should there be neither father, mother, or guardian, then as the probate judge of the county, acting for the best interest of such infant, shall select. .

## ARTICLE XVI.

Should an actual occupant of land desire, at any time prior to the commencement of the surveys aforesaid, to abandon his improvement and select and improve other land, so as to obtain the prior right of selection thereof he or she shall be at liberty to do so ; in which event the improvements so abandoned shall be open to selection by other parties : *Provided*, that nothing herein contained shall authorize the multiplication of improvements so as to increase the quantity of land beyond what a party would be entitled to at the date of this treaty.

## ARTICLE XVII.

No selection to be made under this treaty shall be permitted to deprive or interfere with the continued occupation by the missionaries established in the respective Nations, of their several missionary establishments ; it being the wish of the parties hereto to promote and foster an influence so largely conducive to civilization and refinement.

Should any missionary who has been engaged in missionary labor for five consecutive years before the date of this treaty in the said Nations, or either of them, or three consecutive years prior to the late rebellion, and who, if absent from the said Nations, may desire to return, wish to select a quarter section of land, with a view to a permanent home for himself and family, he

shall have the privilege of doing so; provided no selection shall include any public buildings, schools, or seminary: and a quantity of land not exceeding six hundred and forty acres, to be selected according to legal subdivisions in one body and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Choctaw and Chickasaw country for missionary or educational purposes, but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of, except with the consent of the legislatures of said Nations respectively and approval of the Secretary of the Interior; and whenever such lands or buildings shall be sold or disposed of, the proceeds thereof shall be applied under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Choctaws and Chickasaws, and such other persons as may hereafter become members of their Nations, according to their laws, customs and usages.

#### ARTICLE XVIII.

In making a selection for children the parent shall have a prior right to select land adjacent to his own improvements, or selection, provided such selection shall be made within thirty days from the time at which selections under this treaty commence.

#### ARTICLE XIX.

The manner of selecting as aforesaid shall be by an entry with the Register of the land office, and all selections shall be made to conform to the legal subdivisions of the said lands as shown by the surveys aforesaid on the maps aforesaid; it being understood that nothing herein contained is to be construed to confine a party selecting to one section, but he may take contiguous parts of sections by legal subdivisions in different sections not exceeding together a quarter-section.



## ARTICLE XX.

Prior to any entries being made under the foregoing provisions, proof of improvements or actual cultivation, as well as the number of persons for whom a parent or guardian, or probate judge of the county proposes to select, and of their right to select, and of his or her authority to select for them, shall be made to the Register and Receiver of the land office, under regulations to be proscribed by the Secretary of the Interior.

## ARTICLE XXI.

In every township the sections of land numbered 16 and 36 shall be reserved for the support of schools in said township; provided that if the same has been already occupied by a party or parties having the right to select it, or it shall be so sterile as to be unavailable, the legislative authorities of the particular Nation shall have the right to select such other unoccupied sections as they may think proper.

## ARTICLE XXII.

The right of selection hereby given shall not authorize the selection of any land required by the United States as a military post, or Indian Agency, not exceeding one mile square, which, when abandoned, shall revert to the Nation in which the land lies.

## ARTICLE XXIII.

The Register of the land office shall inscribe in a suitable book or books, in alphabetical order, the name of every individual for whom a selection shall be made, his or her age, and a description of the land selected.

## ARTICLE XXIV.

Whereas, it may be difficult to give to each occupant of an improvement a quarter-section of land, or even a smaller sub-division, which shall include such improvement, in consequence of such

improvements lying in towns, villages or hamlets, the legislative authorities of the respective Nations shall have power, where, in their discretion, they think it expedient, to lay off into town lots any section or part of a section so occupied, to which lots the actual occupants, being citizens of the respective Nations, shall have pre-emptive right, and upon paying into the treasury of the particular Nation the price of the land as fixed by the respective legislatures, exclusive of the value of said improvement, shall receive a conveyance thereof. Such occupant shall not be prejudiced thereby in his right to his selection elsewhere. The town lots which may be unoccupied shall be disposed of for the benefit of the particular Nation, as the legislative authorities may direct from time to time.

When the number of occupants of the same quarter-section shall not be such as to authorize the legislative authorities to lay out the same, or any part thereof, into town lots, they may make such regulations for the disposition thereof as they may deem proper, either by subdivision of the same, so as to accommodate the actual occupants, or by giving the right of prior choice to the first occupant in point of time, upon paying the others for their improvements, to be valued in such way as the legislative authorities shall prescribe, or otherwise. All occupants retaining their lots under this section, and desiring, in addition, to make a selection, must pay for the lots so retained, as in the case of town lots. And any Choctaw, or Chickasaw, who may desire to select a sectional division, other than that on which his homestead is, without abandoning the latter, shall have the right to purchase the homestead sectional division, at such price as the respective legislatures may prescribe.

#### ARTICLE XXV.

During ninety days from the expiration of the ninety-day notice aforesaid, the Choctaws and Chickasaws shall have the exclusive right to make selections as aforesaid, and at the end of that time the several parties shall be entitled to patents for their respective selections, to be issued by the President of the United States, and countersigned by the chief executive officer of the Nation

in which the land lies, and recorded in the records of the executive office of the particular Nation, and copies of the said patents, under seal, shall be evidence in any court of law or equity.

#### ARTICLE XXVI.

The right here given to Choctaws and Chickasaws respectively, shall extend to all persons who have become citizens by adoption, or intermarriage, of either of said Nations, or who may hereafter become such.

#### ARTICLE XXVII.

In the event of disputes arising in regard to the rights of parties to select particular quarter-sections, or other divisions of said land, or in regard to the adjustment of boundaries so as to make them conform to legal divisions and subdivisions, such disputes shall be settled by the register of the land office and the chief executive officer of the Nation in which the land lies, in a summary way, after hearing the parties, and if said register and chief officer cannot agree, the two to call in a third party who shall constitute a third referee, the decision of any two of whom shall be final, without appeal.

#### ARTICLE XXVIII.

Nothing contained in any law of either of the said Nations shall prevent parties entitled, to make selections contiguous to each other, and the Choctaw and Chickasaw Nations hereby agree to repeal all laws inconsistent with this provision.

#### ARTICLE XXIX.

Selections made under this treaty shall, to the extent of one quarter section, including the homestead or dwelling, be inalienable for the period of twenty-one years from the date of such selection, and, upon the death of the party in possession, shall descend, according to the laws of the Nation, where the land lies ; and in the event of his or her death without heirs, the said quarter section shall escheat to and become the property of the Nation.



## ARTICLE XXX.

The Choctaw and Chickasaw Nations will receive into their respective districts, east of the ninety-eighth degree of west longitude, in the proportion of one-fourth in the Chickasaw and three-fourths in the Choctaw Nation, civilized Indians from the tribes known by the general name of the Kansas Indians, being Indians to the north of the Indian territory, not exceeding 10,000 in number, who shall have in the Choctaw and Chickasaw Nations respectively, the same rights as the Choctaws and Chickasaws, of whom they shall be the fellow-citizens, governed by the same laws, and enjoying the same privileges, with the exception of the right to participate in the Choctaw and Chickasaw annuities and other moneys, and in the public domain, should the same or the proceeds thereof be divided *per capita* among said Choctaws and Chickasaws, and among others the right to select land, as herein provided for Choctaws and Chickasaws, after the expiration of the ninety days during which the selections of lands are to be made as aforesaid by said Choctaws and Chickasaws; and the Choctaw and Chickasaw Nations pledge themselves to treat the said Kansas Indians in all respects with kindness and forbearance, aiding them in good faith to establish themselves in their new homes, and to respect all their customs and usages, not inconsistent with the constitution and laws of the Choctaw and Chickasaw Nations respectively.

In making selections after the advent of the Kansas Indians and their actual occupancy of land in said Nation, such occupancy shall have the same effect in their behalf as the occupancies of the Choctaws and Chickasaws; and after the said Choctaws and Chickasaws have made their selections as aforesaid, the said persons of African descent, mentioned in the third article of the Treaty, shall make their selection as therein provided, in the event of the making of the laws, rules, and regulations aforesaid, after the expiration of ninety days, from the date at which the Kansas Indians are to make their selections as therein provided, and the actual occupancy of such persons of African descent shall have the same effect in their behalf as the occupancies of Choctaws and Chickasaws.

## ARTICLE XXXI.

And whereas, some time must elapse before the surveys, maps, and selections herein provided for can be completed, so as to permit the said Kansas Indians to make their selections in their order, during which time the United States may desire to remove the said Indians from their present abiding places, it is hereby agreed that the said Indians may at once come into the Choctaw and Chickasaw Nations settling themselves temporarily as citizens of the said Nations respectively, upon such land as suits them and is not already occupied.

## ARTICLE XXXII.

At the expiration of two years, or sooner, if the President of the United States shall so direct, from the completion of the surveys and maps aforesaid, the officers of the land offices aforesaid, shall deliver to the executive department of the Choctaw and Chickasaw Nations respectively, all such documents as may be necessary to elucidate the land titles as settled according to this Treaty, and forward copies thereof, with the field-notes, records, and other papers pertaining to said titles, to the Commissioner of the General Land Office; and thereafter grants of land and patents therefor shall be issued in such manner as the legislative authorities of said Nations may provide, for all the unsettled portions of the Choctaw and Chickasaw Districts, as defined by the Treaty of June 22d, 1855.

## ARTICLE XXXIII.

All lands selected, as herein provided, shall thereafter be held in severalty by the respective parties; and the unselected land shall be the common property of the Choctaw and Chickasaw Nations in their corporate capacities, subject to the joint control of their legislative authorities.

## ARTICLE XXXIV.

Should any Choctaw or Chickasaw be prevented from selecting

for him or herself during the ninety days aforesaid, the failure to do so shall not authorize another to select the quarter-section containing his improvement, but he may at any time make his selection thereof, subject to having his boundaries made to conform to legal divisions as aforesaid.

#### ARTICLE XXXV.

Should the selections aforesaid not be made before the transfer of the land record to the executive authorities of said Nations respectively, they shall be made according to such regulations as the legislative authorities of the two Nations respectively may prescribe, to the end that full justice and equity may be done to the citizens of the respective territories.

#### ARTICLE XXXVI.

Should any land that has been selected under the provisions of this treaty be abandoned and left uncultivated for the space of seven years by the party selecting the same, or his heirs, except in the case of infants under the age of twenty-one years, or married women, or persons *non compos mentis*, the legislative authorities of the Nation where such land lies may either rent the same for the benefit of those interested, or dispose of the same otherwise for their benefit, and may pass all laws necessary to give effect to this provision.

#### ARTICLE XXXVII.

In consideration of the right of selection hereinbefore accorded to certain Indians other than the Choctaws and Chickasaws, the United States agree to pay to the Choctaw and Chickasaw Nations, out of the funds of Indians removing into said Nations respectively, under the provisions of this treaty, such sum as may be fixed by the legislatures of said Nations, not exceeding one dollar per acre, to be divided between the said Nations in the proportion of one-fourth to the Chickasaw Nation, and three-fourths to the Choctaw Nation, with the understanding that, at the expiration of twelve months, the actual number of said immigrating



Indians shall be ascertained, and the amount paid that may be actually due at the rate aforesaid; and should still further immigrations take place from among said Kansas Indians, still further payments shall be made accordingly from time to time.

## ARTICLE XXXVIII.

Every white person, who having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said Nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws, in all respects as though he was a native Choctaw or Chickasaw.

## ARTICLE XXXIX.

No person shall be licensed to trade with the Choctaws or Chickasaws except by the agent, with the advice and consent of the legislative authorities of the Nation he may propose to trade in; but no license shall be required to authorize any member of the Choctaw or Chickasaw Nations to trade in the Choctaw or Chickasaw country, who is authorized by the proper authority of the Nation, nor to authorize Choctaws or Chickasaws to sell flour, meal, meat, fruit, and other provisions, stock, wagons, agricultural implements, or tools brought from the United States into the said country.

## ARTICLE XL.

All restrictions contained in any treaty heretofore made, or in any regulations of the United States upon the sale or other disposition of personal chattel property by Choctaws or Chickasaws are hereby removed.

## ARTICLE XLI.

All persons who are members of the Choctaw or Chickasaw Nations, and are not otherwise disqualified or disabled, shall here-

after be competent witnesses in all civil and criminal suits and proceedings in any courts of the United States, any law to the contrary notwithstanding.

#### ARTICLE XLII.

The Choctaw and Chickasaw Nations shall deliver up persons accused of crime against the United States, or any of them, who may be found within their limits on the requisition of the Governor of any State or of the United States.

#### ARTICLE XLIII.

The United States promise and agree, that no white person except officers, agents and employees of the government, and of any internal improvement company, or persons traveling through or temporarily sojourning in the said Nations, or either of them, shall be permitted to go into said territory unless formally incorporated and naturalized by the joint action of the authorities of both Nations, into one of the said Nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted, or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective Nations from authorizing such works of internal improvement, as they may deem essential to the welfare and prosperity of the community, or to be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of the said Nations.

#### ARTICLE XLIV.

Post-offices shall be established and maintained by the United States, at convenient places in the Choctaw and Chickasaw Nations, to and from which the mails shall be carried at reasonable intervals at the rates of postage prevailing in the United States.

## ARTICLE XLV.

All the rights, privileges, and immunities heretofore possessed by the said Nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be and are hereby declared to be in full force, so far as they are consistent with the provisions of this treaty.

## ARTICLE XLVI.

Of the money stipulated to be paid to the Choctaws and Chickasaws, under this treaty for the cession of the leased district, and the admission of the Kansas Indians among them, the sum of \$150,000 shall be advanced and paid to the Choctaws, and \$50,000 to the Chickasaws, through their respective treasurers, as soon as practicable after the ratification of this treaty; to be repaid out of said moneys or any other moneys of said Nations in the hands of the United States; the residue not affected by any provision of this treaty to remain in the treasury of the United States at an annual interest of not less than five per cent., no part of which shall be paid out as annuity, but shall be annually paid to the treasurer of said Nations respectively, to be regularly and judiciously applied, under the direction of their respective Legislative Councils, to the support of their government, the purposes of education, and such other objects as may be best calculated to promote and advance the welfare and happiness of said nations and their people respectively.

## ARTICLE XLVII.

As soon as practicable after the lands shall have been surveyed and assigned to the Choctaws and Chickasaws in severalty as herein provided, upon application of their respective Legislative Councils, and with the assent of the President of the United States, all the annuities and funds invested and held in trust by the United States, for the benefit of said Nations respectively, shall be capitalized or converted into money, as the case may be, and the aggregate amounts thereof belonging to each Nation shall be equally divided



and paid per capita to the individuals thereof respectively, to aid and assist them in improving their homesteads and increasing or acquiring flocks and herds, and thus encourage them to make proper efforts to maintain successfully the new relations which the holding of their lands in severalty will involve: Provided, nevertheless, that there shall be retained by the United States such sum as the President shall deem sufficient of the said moneys, to be invested, that the interest thereon may be sufficient to defray the expenses of the governments of said Nations respectively, together with a judicious system of education, until these objects can be provided for by a proper system of taxation, and whenever this shall be done to the satisfaction of the President of the United States the moneys so retained shall be divided in the manner and for the purpose above-mentioned.

#### ARTICLE XLVIII.

Immediately after the ratification of this treaty there shall be paid out of the fund of the Choctaws and Chickasaws, in the hands of the United States, twenty-five thousand dollars to the Choctaw and twenty-five thousand dollars to the Chickasaw commissioners, to enable them to discharge obligations incurred by them for various incidental and other expenses to which they have been subjected, and for which they are now indebted.

#### ARTICLE XLIX.

And it is further agreed that a commission, to consist of a person or persons to be appointed by the President of the United States, shall be appointed immediately on the ratification of this treaty, and shall take into consideration and determine the claim of such Choctaws and Chickasaws as allege they have been driven during the late rebellion from their homes in the Choctaw Nations, on account of their adhesion to the United States, for damages, with power to make such award as may be consistent with equity and good conscience, taking into view all circumstances; whose report, when ratified by the Secretary of the Interior, shall be final, and authorize the payment of the amount

from any moneys of said Nations in the hands of the United States as the said commission may award.

## ARTICLE L.

Whereas, Joseph G. Heald and Reuben Wright, of Massachusetts, were licensed traders in the Choctaw Country, at the commencement of the rebellion, and claim to have sustained large losses on account of said rebellion, by the use of their property by said Nation, and that large sums of money are due them for goods and property taken or sold to the members of said Nation, and money advanced to said Nation, and whereas, other loyal citizens of the United States may have just claims of the same character : It is hereby agreed and stipulated, that the President of the United States shall, within three months from the ratification of this treaty, appoint a commission to consist of one or more discreet persons to investigate said claims and fully examine the same ; and such sum or sums of money as shall by the report of said commission, approved by the Secretary of the Interior, be found due to such persons, not exceeding ninety thousand dollars, shall be paid by the United States to the persons entitled thereto, out of any money belonging to said Nation in the possession of the United States ; *Provided*, That no claim for goods or property of any kind shall be allowed or paid, in whole or in part, which shall have been used by said Nation, or any member thereof, in aid of the rebellion, with the consent of said claimants : *Provided, also*, that if the aggregate of said claims thus allowed and approved shall exceed said sum of ninety thousand dollars, then that sum shall be applied *pro rata* in payment of the claims so allowed.

## ARTICLE LI.

It is further agreed that all treaties and parts of treaties inconsistent herewith be, and the same are hereby declared, null and void.

In testimony whereof, the said Dennis N. Cooley, Elijah Sells, and E. S. Parker, commissioners in behalf of the United States, and the said commissioners on behalf of the Choctaw and Chick-

asaw Nations, have hereunto set their hands and seals, the day and year first above written :

D. N. COOLEY, (seal.)

Comm'r Indian Affairs,

ELIJAH SELLS, (seal.)

Sup't Indian Affairs.

E. S. PARKER, (seal.)

Special Comm'r.

Commissioners for United States.

ALFRED WADE, (seal.)

ALLEN WRIGHT, (seal.)

JAMES REILY, (seal.)

JOHN PAGE, (seal.)

Choctaw Commissioners,

CAMPBELL LE FLORE, Secretary.

WINCHESTER COLBERT, (seal.)

Governor Chickasaw Nation.

EDMUND PICKENS, (seal.)

HOLMES COLBERT, (seal.)

COLBERT CARTER, (seal.)

ROBERT H. LOVE, (seal.)

Chickasaw Commissioners.

E. S. MITCHELL, Secretary.

Signed, sealed and delivered in the presence of—

JOHN H. B. LATROBE,

P. P. PITCHLYNN,

Principal Chief Choctaw Nation,

DOUGLAS H. COOPER,

J. HARLAN,

U. S. Indian Agent for Cherokees,

CHAS. E. MIX,

Chief Clerk Indian Bureau.



And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-eighth of June, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution, with amendments, in the words and figures following, to wit:

IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES. }

June 28, 1866.

*Resolved*, (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Choctaw and Chickasaw Nations of Indians, made and concluded at the City of Washington, the twenty-eighth day of April, in the year eighteen hundred sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, Special Commissioners on the part of the United States; and Alfred Wade, Allen Wright, James Riley, and John Page, Commissioners on the part of the Choctaws; and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, Commissioners on the part of the Chickasaws, with the following

#### AMENDMENTS.

1st. At the end of Article 5 add the following:

The people of the Choctaw and Chickasaw Nations stipulate and agree to deliver up to any duly authorized agent of the United States all public property in their possession which belong(s) to the late so-called "Confederate States of America," or the United States, without any reservation wha(t)soever, particularly ordnance, ordnance stores, and arms of all kinds.

2d. Article 9, lines 4 and 5, strike out the words "including any arrears which may have accrued."

3d. Article .39, lines 1, 2, and 3, strike out the following: "Be licensed to trade with the Choctaws or Chickasaws, except by the agent, with the advice and consent," and insert in lieu thereof:

"No person shall expose goods or other articles for sale as a trader without a permit."

4th. Strike out Article 42, and insert in lieu thereof the following as a substitute: "The Choctaw and Chickasaw Nations shall deliver up persons accused of crime against the United States who may be found within their respective limits on the requisition of the Governor of any State, for a crime committed against the laws of said State, and upon the requisition of the judge of the District Court of the United States for the district within which the crime was committed."

5th. Article 46, line 13, strike out the words "not less than."

6th. Article 49, line 3, after the words "United States" insert : "*not exceeding three.*"

7th. Article [50], line 11, to and including line 15, strike out the following words: "That the President of the United States shall, within three months from the ratification of this treaty, appoint a commission to consist of one or more discreet persons," and insert in lieu thereof : "*that the commission provided for in the preceding article shall,*"

Attest:                      J. W. FORNEY,  
Secretary.

And whereas the foregoing amendments having been fully explained and interpreted to the respective Commissioners of the Choctaw and Chickasaw Nations of Indians herein-before named, they did, on the second day of July, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:

Whereas, the Senate of the United States did, on the 28th day of June, A. D. 1866, advise and consent to the ratification of the Articles of Agreement and Convention between the United States and the Choctaw and Chickasaw Nations of Indians, made and concluded at the city of Washington the twenty-eighth day of April in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, Special Commissioners on the part of the United States ; and Alfred Wade, Allen Wright,

James Riley, and John Page, Commissioners on the part of the Choctaws ; and Winchester Colbert, Edmund Pickens, Homes Colbert, Colbert Carter, and Robert H. Love, Commissioners on the part of the Chickasaws, with the following

## AMENDMENTS, TO WIT :

1st. At the end of Article 5, and the following :

The people of the Choctaw and Chickasaw Nations stipulate and agree to deliver up to any duly authorized agent of the United States, all public property in their possession which belong to the late so-called "Confederate States of America," or the United States, without any reservation whatsoever, particularly ordnance, ordnance stores, and arms of all kinds.

2d. Article 9, lines 4 and 5, strike out the words, "including any arrears which may have accrued."

3d. Article 39, lines 1, 2, and 3, strike out the following :

"Be licensed to trade with the Choctaws or Chickasaws except by the agent, with the advice and consent," and insert in lieu thereof : *No person shall expose goods or other articles for sale as a trader without a permit.*

4th. Strike out Article 42, and insert in lieu thereof the following as a substitute :

The Choctaw and Chickasaw Nations shall deliver up persons accused of crime against the United States, who may be found within their respective limits, on the requisition of the governor of any State for a crime committed against the laws of said State, and upon the requisition of the Judge of the District Court of the United States, for the district within which the crime was committed.

5th. Article 46, line 13, strike out the words : "not less than."



6th. Article 49, line 3, after the word "United States" insert not exceeding three.

7th. Article 50, lines 11, to and including line 15, strike out the following words: "That the President of the United States, shall, within three months from the ratification of this treaty, appoint a commission, to consist of one or more discreet persons," and insert, in lieu thereof, that the commission provided for in the preceding article shall.

Now, therefore, we, the commissioners on the part of the said Choctaws and Chickasaws, do hereby assent and agree to the said amendments above written, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals, this 2d day of July, A. D. 1866, at Washington, D. C.

ALFRED WADE, (seal.)

ALLEN WRIGHT, (seal.)

JAMES RILEY, (seal.)

JOHN PAGE, (seal.)

Choctaw Commissioners.

WINCHESTER COLBERT, (seal.)

his

EDMUND ✕ PICKENS, (seal.)

mark.

HOLMES COLBERT, (seal.)

COLBERT CARTER, (seal.)

ROBERT H. LOVE, (seal.)

Chickasaw Commissioners

In presence of

JOHN H. B. LATROBE,

CHARLES E. MIX,

P. P. PITCHLYNN,

Principal Chief Choctaw Nation.

DOUGLASS H. COOPER,

ALFRED H. JACKSON,

W. R. IRWIN,

LEWIS S. HAYDEN,

E. S. MITCHELL,

Secretary Chickasaw Commission.

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-eighth day of June, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendments as aforesaid.

In testimony whereof, I have signed my name, and have caused the seal of the United States to be hereto affixed.

Done at the City of Washington, this tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD,  
Secretary of State.



L A W S  
OF THE  
CHOCTAW NATION,

REVISED AND COLLATED TO OCTOBER, 1867.

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SESSION I.—1834.

AN ACT making the killing a person for a witch a capital offence.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That any person or persons who shall kill another for a witch or wizard, shall suffer death.

And any person who shall publicly state that he himself or she herself is a witch or wizard, or shall say that such a person or persons are witches or wizards, and he or she knows it to be so, shall receive sixty lashes on the bare back.

Approved November 6, 1834.

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AN ACT respecting Wills.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That all wills made either verbally or in



writing, in the presence of two or more witnesses, shall be valid to all intents and purposes.

Approved, November 7, 1834.

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AN ACT forbidding compensation for damages, and making the person destroying the stock of another, when the fence is not lawful, liable to make restitution.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That no person or persons shall be allowed any compensation for any damage that he may sustain from stock breaking into his farm, unless his or her fence be made of good rails and ten rails high.

*And be it further enacted*, That if any one not having a lawful fence should destroy or injure the stock of another for breaking into his or her farm, he or she shall be liable to pay the value of the stock so injured or destroyed.

Approved, November 8, 1834.

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SESSION II.—1835.

AN ACT defining what constitutes lawful matrimony.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the following mode of matrimony shall be lawful in this Nation, viz. : the parties shall go before any captain or preacher of the gospel in the Nation, who shall ask the groom : “Are you willing to marry this woman whom you hold by the hand as your lawful wife?” if he says yes, then the captain or the preacher of the gospel shall then ask the woman : “Are you willing to become the wife of this man who holds you by the hand?” if she says yes, or be silent, he shall say : “I pronounce you man and wife.” *Provided*, all marriages previous to this act shall be valid and lawful, and all property shall, upon the death of the husband, descend to the wife and children of the deceased husband,

and in case of the death of the wife the husband shall inherit the estate.

Approved, October 8, 1835.

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SESSION III.—1836.

AN ACT making the owners of hogs responsible for all damages where the fence is lawful.

SEC 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That a fence of four inch cracks between each rail, for two and a half feet from the ground, shall be considered a lawful fence; and hogs breaking into a field having such a fence, the owner or owners of such hogs shall be responsible for all the damages sustained, and the courts of the several districts shall have cognizance of such cases.

Approved, October 4, 1836.

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AN ACT allowing the Choctaws to intermarry without any regard to distinction as to Iksa.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the custom of not intermarrying with their own Iksa among the Choctaw people shall forever be abolished; and all persons, without any distinction of Iksa, are left to make their own choice as to whom they shall marry.

Approved, October 6, 1836.

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AN ACT prohibiting the obstructing or shutting up of public roads.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That if any person or persons shall stop or obstruct any public roads in any way whatever, either by throwing trees across them or by making fields over them,

he or they shall pay a fine not exceeding one dollar, to be determined by the court; except on condition that he or they shall remove the obstruction or make another road around said obstruction equally as good as the former; but should any other person or persons open such obstruction, he or they shall receive the fine.

• Approved, October 8, 1836.

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AN ACT requiring white men who wish to work in the Nation to obtain a written permit from the Chief or the Agent; and so rendering any one hiring a white man without such permit, liable for any depredation that such white man may commit.

SEC. 7.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all white citizens of the United States wishing to remain in the Nation under employ of any person, citizen of the Choctaw Nation, may do so by procuring permission in writing from the Chief or United States Agent. But should any person, citizen of this Nation, receive any white man into his employ, not having the regular permission to remain in the Nation, and should such white man commit any depredation, or run away with any property belonging to the Nation, the person so employing shall pay all damages, and make good to the person or persons for property so stolen or injury sustained.

Approved, October 8, 1836.

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AN ACT requiring property stolen from citizens of the United States, or other tribes, to be returned.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That any property, of whatever nature it may be, stolen by any citizen of the Choctaw Nation, from any of the neighboring tribes of Indians or citizens of the United States, and brought into the Nation, said property

shall be delivered to District Chiefs, who shall inform the United States Agent of such offenders, and the property thus stolen shall be returned, if possible, to the proper owner or owners.

Approved October 9, 1836.

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AN ACT preventing any Indian not a Choctaw to settle in the Nation without permission from the General Council.

SEC. 10.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, no person belonging to any tribe of Indians or people, not a descendant of the Choctaws, shall be permitted to settle in the Nation, or purchase any improvement of any citizen or citizens of this Nation, unless by permission from the General Council.

Approved October 9, 1836.

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SESSION IV.—1837.

AN ACT respecting the pay of Indian Doctors.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That no “sucking” or “conjuring” Indian Doctor shall have the right to take any such property as horses, cattle, hogs or guns from any sick person who shall die under his care; nor from any person else unless he raises up the sick, then he shall be entitled to whatever shall be offered him; yet he shall have a right to take goods.

Approved October 5, 1837.

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SESSION V.—1838.

AN ACT making any one who pulls or leaves down the fence of another liable to fine.

SEC. 2.—*Be it enacted by the General Council of the Choctaw*



*Nation assembled*, That any person or persons who shall be convicted of the crime of misdemeanor or pulling and leaving down any person's field or farm fence, shall be compelled to pay such a fine as the Court may estimate the damage done to the owner of the farm.

Approved October, 1838.

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#### AN ACT in relation to Salt Works.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, no person or persons shall be allowed to settle or destroy timber within half a mile of any salt works in this Nation, and all persons who shall settle within the above-named distance from such salt works shall be liable to be removed by the light-house men of the district in which such salt works may be established, on application being made to the Chief of the same, in case the person so settled will not remove voluntary upon being notified of the passage of this act.

Approved October, 1838.

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#### SESSION VI.—1839.

#### AN ACT improvements how near.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, no citizen or citizens of this Nation shall be allowed to settle on improved lands within a shorter distance than four hundred and forty yards in a direct line from a former settler, without his or her consent. And any citizen so offending or violating this act shall be liable to pay a fine for damages to such an amount of money or property as a disinterested jury may determine; and such offender or offenders shall be compelled by the light-horse men to remove out of the limits

herein specified: *Provided*, such settlement be not within an acknowledged town, place of gathering or village.

Approved October 11, 1839.

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AN ACT declaring the punishment for selling of the country.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That any Chief, captain or citizen of this Nation who shall sign any instrument of writing in any way conveying or making sale of any portion or the whole of the Choctaw Nation, shall be deemed a traitor and an enemy to his country, and shall suffer death.

*And be it further enacted*, That any whiteman in the Nation, who shall advise or encourage any citizen of this Nation, verbally or in writing, to consent or agree to a sale of any part or the whole of this Nation, shall be deemed a bad man, and an enemy to the Choctaw people; and on application being made to the Agent or District Chief in which such offender may be found, shall be forthwith ordered out of this Nation.

Approved October 9, 1839. . . .

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SESSION VII.—1840.

AN ACT relative to the right of property in dispute, &c.

SEC. I.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that when disputes arise between citizens of this Nation respecting the rights of property, and upon complaint being made to the judges of the district in which such difficulty may exist, it shall be their duty to order the light-horse men to seize and hold in custody such property until the court can be held and the rights of property be tried: *Provided*, however, when the defendant can give good security in the presence of one or more light-horse men for the forth-

coming of such property in dispute at the ensuing court, he or she may be permitted to hold the same until the court shall decide; and in all cases where property is held in custody for trial, the party losing the suit shall pay the light-horse men for their services as may be determined by the court.

Approved Oct. 7, 1840.

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AN ACT making the pistols of the light-horse men the property of the Nation.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the pistols given to the Nation by the United States Government for the use of the light-horse men be considered as public property, and in case of death or resignation, the pistols shall be transferred to their successors in office.

Approved October 8, 1840.

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AN ACT in relation to white men marrying in the Nation, &c.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That no white man shall be allowed to marry in this Nation unless he has been a citizen of the same for two years.

*And be it further enacted*, That he shall be required to procure a license from some judge or the district clerk, and be lawfully married by a minister of the Gospel, or some other authorized person before he shall be entitled and admitted to the privilege of citizenship.

*And be it further enacted*, Should any officer or minister of the Gospel who are authorized by law to marry in this Nation, perform such marriage ceremony not agreeable to this act, shall be made to pay a fine of one hundred dollars for each offence, and the money shall be put into the district treasury in which said marriage ceremony may have taken place.

*And be it further enacted*, That no white man who shall marry a Choctaw woman, shall have the disposal of her property without her consent; and any white man parting from his wife without just provocation, shall forfeit any pay over to his wife such sum or sums as may be adjudged to her by the district court for said breach of the marriage contract, and be deprived of citizenship.

Approved Oct., 1840.

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AN ACT requiring clerks and judges to keep record of the courts.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, each clerk of the several districts shall be furnished with a large blank book out of the district funds to keep a correct record of all the proceedings of the several courts in his district.

*And be it further enacted*, That the judges in the several districts of each court shall furnish the district clerk in their respective districts with a full copy of all trials under his jurisdiction, with his name signed to it, which bill shall be filed and put on record.

Approved, October, 1840.

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AN ACT prescribing punishment for the crime of incendiaries, destroyers of property, and also of accessories.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That any person or persons who shall be convicted of the crime of burning another person's house or houses, or in any manner destroying the property belonging to a citizen of this Nation, shall be subject to a fine equal to the value of the property so destroyed, and in addition thereto,



shall receive such corporeal punishment as the court may determine; but such punishment shall not exceed thirty-nine lashes on the bare back, unless such person be unable to pay the fine, in which case he, she or they, shall receive one hundred lashes.

*And be it further enacted*, That accessories and advisers to such crime shall suffer half the burden of the fine and punishment.

Approved, October, 1840.

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SESSION VIII.—1841.

AN ACT prescribing punishment for false swearing.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That if any person or persons shall be convicted of false swearing, or making false statements in a court of justice, such offenders shall be fined not less than ten dollars nor exceeding one hundred dollars, and shall receive not less than five nor exceeding thirty-nine lashes on the bare back.

Approved, October, 1841.

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AN ACT permitting Mrs. Ward and family, and John and William Cooper, to remain in the Nation.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That Mrs. Ward and family, and William Cooper and John Cooper are hereby permitted to remain in the Nation during good behavior.

Approved, October, 1841.

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SESSION IX.—1842.

AN ACT respecting public schools.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall be, and there are hereby

established the following institutions of learning, viz. : Spencer Academy, Fort Coffee Academy, Koonsha Female Seminary, Ianubbee Female Seminary, Chuwahla Female Seminary, and Wheelock Female Seminary.

SEC. 2. The foregoing institutions on learning shall be, and they are hereby located at the following places, viz. :

The Spencer Academy, at the point on the Military Road where the buildings are now erecting under the direction of the committee appointed in 1841, about nine miles north of Doaksville. The male branch of Fort Coffee, at Fort Coffee, in Moshulatubbee District. The Female branch of this academy shall be located in the same vicinity, by a committee who shall be appointed by the General Council for that purpose. The Koonsha Female Seminary, at such point, in Pushmataha District, as may be selected by a committee who shall be appointed by the General Council for that purpose. The Chuwahla and Ianubbee Female Seminaries, at such points, in Apuckshunnubbee District, as may be selected by a committee who shall be appointed by the General Council for that purpose. The Wheelock Female Seminary, in Apuckshunnubbee District, at Wheelock.

SEC. 3.—There shall be and is hereby appropriated the following sums for the annual support of these institutions respectively : To the Spencer Academy, the sum of six thousand dollars per annum, secured to the Nation for educational purposes under the Treaty made at Washington City in 1825. To the Koonsha Female Seminary, three thousand dollars per annum, from the interests arising from the Chickasaw funds, agreeable to the Treaty concluded at Doaksville in January, 1837. To the Wheelock Female Seminary, sixteen hundred dollars per annum, from the same fund. To the Ianubbee Female Seminary, sixteen hundred dollars per annum, from the same fund. To the Chuwahla Female Seminary, sixteen hundred dollars per annum, from the same

fund. To the Fort Coffee Academy, six thousand dollars per annum, from the same fund.

The above sums of money shall be paid over to the superintendents of the several institutions, from time to time, as it is received from the United States. And the additional sum of three thousand dollars out of the money arising from the sale of the fifty-four sections of land set apart in the Treaty of 1820 for educational purposes, shall, with the consent of the United States, be applied to the support of the Koonsha Female Seminary.

SEC. 4.—There is granted to each institution mentioned in this act the use of as much land as may be needed for cultivation, pasturage, &c. And also the right to take from the public domain any timber, rock, stone-coal, or other materials which may be required for the use of the institution or establishment.

SEC. 5.—The Superintendants and Teachers in the several institutions, with their families, if they have any, shall be furnished house-room and lodging, and shall board at the same table with the pupils; but shall not receive in addition thereto, on an average, a salary more than four hundred dollars per annum, each.

SEC. 6.—Instruction in Agriculture and the Mechanical Arts shall, in the male schools, be combined with instruction in letters; and in the female schools, in addition to letters, the pupils shall be instructed in housewifery and sewing, &c.

SEC. 7.—One tenth of all the pupils taught in these different schools shall be orphans: *Provided*, so many apply for admission.

SEC. 8.—The Fort Coffee Academy under the conditions, limitations, and restrictions rendered in this act, shall be placed under the direction and management of Missionary Society of the Methodist Episcopal Church: *Provided*, said Society will contribute one thousand dollars, per annum, to the above-named institution.

SEC. 9.—The Koonsha Female Seminary and the Chuwahla Female Seminary, the Ianubbee Female Seminary, and the Wheelock Female Seminary, under the conditions, limitations, and restrictions rendered in this act, shall be placed under the direction and management of the American Board of Commissioners for Foreign Missions: *Provided*, they will contribute, annually, to the above-named institution in proportion as the Methodist Episcopal Church is required to do.

Approved, November, 1842.

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AN ACT authorizing the attendance of light-horse men at the schools.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall be a light-horse man appointed to act at each of the public schools in this Nation, and to receive their appointments from the trustees and superintendents of the schools to which they shall respectively belong, and receive a salary, to be determined by the trustees and superintendents, and paid out of the school fund, and whose duties shall be specified by the trustees and superintendents.

Approved, November, 1842.

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AN ACT requiring the return of runaway children from the schools, &c.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That when a student, who may have been placed in school under the school appropriation, shall leave the school without leave or permission, he shall be returned forthwith by his parents or guardians, or be brought back by the light-horse.

Approved, November, 1842.



AN ACT relating to students incapable of learning.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That when a student, upon a fair trial of two years, is found, from mental inability, incapable to learn or improve, such pupils shall, at the request of the trustees, be removed from the institution, and others selected to fill the vacancy.

Approved, November, 1842.

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AN ACT relative to the students under appropriation.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the male students selected to fill the schools, shall be from the age of ten to sixteen, and females from the age of eight to fourteen years.

*And be it further enacted*, That no family hereafter shall be allowed to put more than one child in public institutions of this Nation ; but those that have already two children at said schools, they shall remain until they complete their education ; and those that have more than two in, shall be compelled to take them out immediately or pay the expenses to the institutions.

Approved, November, 1842.

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AN ACT requiring no trading house to be established within three miles of any public schools.

SEC. 6. *Be it enacted by the General Council of the Choctaw Nation assembled*, That no person or persons shall be allowed to establish a store or trading house within three miles of any of the public schools.

Approved, November, 1842.

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AN ACT requiring the regulations of the public schools to be laid before the General Council.

SEC. 7.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the rules and regulations of each public school shall be laid before the General Council for its approval.

Approved, November, 1842.

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**AN ACT** declaring the punishment for cutting down hickory and pecan trees for the nuts.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That no person or persons shall cut down hickory or pecan trees for the nuts in this Nation; and the persons so offending shall be liable to a fine of two dollars per tree, and one half of said fine shall go to the informer and the other half shall be as district funds.

Approved, November, 1842

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SESSION X.—1843.

**AN ACT** prohibiting the riding of a stray horse out of the Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, no man shall ever be allowed to take or ride any stray horse beyond the limits of the Choctaw Nation; and any one so offending shall pay the value thereof to the Nation or to the owner of said stray, if said stray should be lost in any way, or should be taken from him by fraud.

Approved, October, 1843.

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**AN ACT** providing for the punishment of assault and battery.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, if any persons or persons should strike or otherwise injure another person without provocation, through malice, so that such

injured person should lose any time from his business, the person so offending shall be liable to be sued in the courts of this Nation, and shall be subject to fine and be compelled to pay, by the light-horse men, such fine as the jury may determine, which fine, when collected, shall be paid over to the person so maimed or injured.

Approved, October, 1843.

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AN ACT relating to all strays, etc.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that all stray property, the owner of which not known, shall be taken and posted as follows: That when any person shall take up any stray horse or horses, he shall be required to give public notice, and if the owner of such stray does not appear within three months from the time that such beast was taken up, then the one that took up shall take such stray before any judge; then it shall be the duty of the judge to authorize two or more persons to appraise the same, and the description and value taken down in writing, and a copy of the description and valuation shall be furnished to the district clerk; then it shall be the duty of the district clerk to have the same advertised in one or more public places in his own district. And if the owner of such beast do not appear within twelve months, after which time the property shall be sold to the highest bidder by any light-horse men, by first giving fifteen days' notice of the sale; and one half of the proceeds shall go to the one that took up, then he shall pay the district clerk one dollar and a half, and the other half of the proceeds shall go to the district in which such stray may be sold; but should the owner appear before the expiration of twelve months, and prove his or her property before any judge, he or she shall be entitled to the same, by paying one dollar and a half each to the district clerk and the one that took up.



2. That every person who shall take up stray cattle shall be required to give public notice of the same, and if the owner of which do not appear within six months from the time that such stray was taken up, then the one that took up shall notify any judge of such stray property; then it shall be the duty of the judge to authorize two or more persons to appraise the same; and also, state the age, brand, mark and color, in writing, and a copy of the same shall be furnished the district clerk; then it shall be the duty of the district clerk to advertise the same in one or more public places in his district, and if the owner of such animal do not appear within twelve months, after which time the property shall be sold to the highest bidder by any light-horse men, by first giving fifteen days' notice of the sale, and one half of the proceeds shall go to the one that took up; then he shall pay the district clerk one dollar per head, and the other half of the proceeds shall go to the district in which such sale may take place; but if the owner of such animal should appear before the expiration of twelve months, and prove his or her property before any judge, he or she shall be entitled to the same, by paying twenty-five cents per head each, to district clerk and the one that took up.

3. That every person who shall take up stray hogs or sheep shall be required to give public notice of such strays, and if the owner of said stray does not appear within six months from the time such stray property was taken up, then the one that took up shall notify any judge of such stray property; then it shall be the duty of the judge to authorize two or more persons to appraise the same, and state the color and ear-mark of each stray, in writing, and a copy of the same shall be furnished the district clerk, and whose duty it shall be to advertise the same in one or more public places in his own district. And if the owner of such property should not appear within twelve months, after which time the property shall be sold to the highest bidder by any one of the light-horse men, by first giving fifteen days' no-



tice of the sale, and one half of the proceeds shall go to the one that took up, then he shall pay the district clerk twenty-five cents per head; but should the owner appear before the expiration of the twelve months, and prove his or her property before any judge, he or she shall be entitled to the same by paying twelve and a half cents per head each to the district clerk and the one that took up.

4. That no person shall take up any stray unless the same be found on his or her plantation, or running with his or her stock.

5. That every person shall take up a stray horse or horses shall be required to take said strays to the stray pen at every Supreme Court in their respective district and keep them during the collection of the people.

6. That every person who shall take up any stray animal, and abuse the said animal so as to cause its death, shall pay the value of the stray to the owner or to the district, as may be determined by any court having jurisdiction thereof.

7. That every person who shall take up any stray animal should fail to take said stray to the stray pen the second time, any judge shall appoint some other person or persons to take charge of said stray.

Approved October, 1843.

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#### AN ACT requiring stray pen to be made.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That there shall be a stray pen of four hundred rails and good bars made in each of the three districts, at their respective Supreme Court grounds.

Any person shall have the liberty of making the said pen, who shall be paid five dollars out of the funds arising from the sale of strays.

Approved October, 1843.

## SESSION XI.—1844.

## AN ACT authorizing Judges to preserve order in time of Court.

SEC 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that the Judges of this Nation shall have, and are hereby invested with, full power to keep good order and regulations at their respective courts. Any person or persons who should come and threaten the life of any person at court, or treat the court with contempt while in session, shall be taken into custody by the light-horse men and fined not exceeding fifty dollars, the same to be determined by the judges of the court; and if the offender be unable to pay the money the judge shall have the right to order the light-horse men to take any property belonging to him, and sell it to the highest bidder, and pay the said fine.

The money thus collected shall go to the district treasurer for the use of district purposes.

*And be it further enacted*, That any person or persons refusing to be taken into custody for any criminal offences or for contempt of court, and shall take up any unlawful weapons, the light-horse men shall have the power to take them, dead or alive, and they shall be protected by the laws of the Nation.

Approved October, 1844.

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## AN ACT directing the Trustees to examine the account of Schools.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That it shall be the duty of the Board of Trustees, collectively or separately, to examine the accounts of the Public Schools quarterly, or at such time as may be

necessary, and if correct, to certify upon honor to the correctness of the same.

Approved October, 1844.

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AN ACT forbidding free Negroes to have any share in the annuity.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That no free negro unconnected with Choctaw blood, shall ever be allowed to draw any money from the Choctaw annuity.

Approved October, 1844.

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AN ACT providing for the removal of some Indians in the Nation.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all the intruding tribes of Indians that are now residing within the limits of the Choctaw Nation, shall be required to leave the Nation as soon as practicable. And that the Chiefs of the Nation be required to inform Major William Armstrong, United States Agent, of the existence of this act, and request him to have them removed without the limits of the Choctaw Nation : *Provided, however*, the Caddoes, who at a previous session of the General Council, having obtained permit to live in the Nation, shall be exempt from the operation of this act ; and also the following named families of Indians be allowed to remain unmolested by the operation of this act, viz : Charley, Mike, McCoy, Cherokees ; Little Boy, and Frank's family, and Strong Man, Delawares ; Capt. Beaver, Panther, and Oats, Shawnees, and their families ; and one family of Quapaws, living above the mouth of Washita, on Red River.

Approved October, 1844.

## SESSION XII.—1845.

A RESOLUTION in relation to the safe keeping of the Patent from the United States.

SEC. 1.—*Resolved by the General Council of the Choctaw Nation assembled*, That the Patent from the United States Government for the Choctaw country, shall be placed in the hands of Col. Thomas Leflore for safe keeping.

Approved October 4, 1845.

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AN ACT placing Spencer Academy and Norwalk Schools under the direction of Assembly's Board.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That Spencer Academy shall be placed under the control and direction of the Assembly's Board: *Provided*, that Board will contribute two thousand dollars annually to the support of the institution; to be conducted in the same manner, with the same privileges, restrictions and conditions provided in the School Act, entitled, "An Act providing for a system of Public Instruction in the Choctaw Nation," passed 29th of November, 1842. And it shall be the duty of the School Trustees to request Rev. Cyrus Kingsbury to correspond with the above Board upon the subject, and if they will accept the terms offered, to urge them to come and take charge of the institution at the earliest time possible.

Approved October 7, 1845.

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## SESSION XIII.—1846.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That if any student in the public schools in this Nation shall run off and go home with his clothes, that



were given to him at the institution, and the parents or guardian of such student should or neglect to send him or his clothes back in the time prescribed, he or they shall be made to pay the value thereof from the annuity of such students, and parents or guardians.

Approved October 15, 1846.

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SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that any person or persons disturbing any religious devotions shall be taken up and presented before the judge by the light-horse men, who is hereby authorized by law to fine them, but the fine shall not exceed five dollars for each person so offending, and the fine so collected shall belong to the district in which it may be collected.

Approved October 16, 1846.

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AN ACT providing the pay of witnesses summoned to attend court.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all witnesses summoned to attend court shall be allowed two cents per mile going and returning from court, and fifty cents per day while attending at court till discharged, to be collected by the light-horse men off the person losing the suit, except in cases of murder, in which case the district shall pay the witnesses in behalf of the prosecuting party.

Approved, October 16, 1846.

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AN ACT requiring certain qualification for judgeship.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That no person shall be appointed or elected

judge in this Nation unless he can read the English or Choctaw language.

Approved, October 16, 1846.

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SEC. 10.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That every person who shall be convicted of having forged, counterfeited, or falsely altered any Will, Deed of Gift, Note, or Order, or any other instrument in which any valuable consideration may be in question, shall be guilty of forgery, and shall be punished with not less than thirty-nine lashes, and fined not less than twenty-five, nor exceeding five hundred dollars.

Approved, October 16, 1846.

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AN ACT declaring the punishment for the crime of rape.

SEC. 11.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That any person who shall be convicted of the crime of committing rape, or forcibly ravishing a woman or girl, shall receive one hundred lashes laid on his bare back, and for the second offence of the same nature, the offender shall suffer death. But in case of an attempt only, to ravish a woman or girl, the court shall determine the penalty; but the guilty person shall not receive more than thirty lashes on the bare back.

Approved, October 16, 1846.

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AN ACT forbidding the driving of the stock out of their range, &c.

SEC. 12.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, no person or persons shall be allowed to drive horses, mules, cattle, hogs or sheep, from the range to which the same may belong; but it shall be the duty of every person or persons who may be driving horses, mules, cattle, hogs, or sheep, if

any such stocks not belonging to his or her drove, should join the drove, he or she who may be driving shall halt the drove at the nearest pen or some other convenient place, and separate all such stock as do not belong to his or her drove, or the person or persons for whom they may be employed to collect or drive stock.

*And be it further enacted*, That if any person or persons shall violate the provisions of this act, shall pay a fine and damages according to the decision of the district court where such offence may be committed, for the use and benefit of the person or persons suing for the same.

Approved, October 16, 1846.

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AN ACT in relation to witnesses failing to attend court, &c.

SEC. 13.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all witnesses who are summoned to attend court, and cannot go in case he is sick or his family, and gives a good lawful excuse, he, she, or they will be required to give their statement under oath before any acting judge, and the said judge shall take his or her statement in writing, which shall answer the same as if it had been made in court.

Approved Oct. 17, 1846.

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SESSION XIV.—1847.

AN ACT granting rights and privileges to certain Cherokees.

SEC 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That by authority vested in us in the 17th section of the General Provisions in the Constitution, we do grant and extend to John, Elizabeth J., and Richard Brown, of the Cherokee Nation, equal rights, privileges, immunities

and franchise, held and enjoyed in the Nation by the Choctaw citizens, with the exception of that forbidden in the Constitution, and furthermore, shall not participate in the annuities and schools.

Proposed by R. M. JONES.

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AN ACT declaring the punishment for separating man and wife.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, any person who shall be found guilty of taking or separating a woman from her husband who was lawfully married, he or they so offending shall pay a fine of ten dollars which shall go to the district treasury, and the parties restored to each other if they wish it.

Approved, October 12, 1847.

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AN ACT disturbing the peace of families.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that if any person or persons who shall go into the inside of the enclosure or into the house of any person or persons and use abusive language, and disturb the peace of any family or families, shall be liable to pay a fine to be determined by court, such fine shall not exceed fifty dollars nor less than five dollars, which shall go to the injured party.

Approved, October 13, 1847.

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AN ACT government and discipline of Spencer Academy.

SEC. 7.—*Be it enacted by the General Council of the Choctaw Nation assembled*. A communication having been received from the Secretary of the Board of Foreign Missions of the



Presbyterian church, relative to the government of Spencer Academy, and the same being under consideration.

*Be it further enacted*, That we consider the government, control and discipline of Spencer Academy to be vested in the aforesaid Board of Foreign Missions, with the proviso, viz. : That the Board of Trustees of Public Schools appointed by the General Council of the Choctaw Nation, reserve the right of investigating and reporting to the Council relative to the conduct of any teacher or superintendent against whom any serious charges may be made, and the General Council of the Choctaws has the power, according to the 9th section of the school law, to require the aforesaid Board to remove such teacher or superintendent.

The trustees of the schools also reserve the right of acting with the superintendent in cases when it may be necessary to expel pupils from any of the public schools in the Choctaw Nation.

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AN ACT empowering the Chief to call upon the other chiefs to aid him.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that in case the light-horse men of any district shall not be able to execute the orders of the chief or judges of any of the several districts, they shall report the same to the chief of their district, who shall have the power to call upon the chief or chiefs of the other districts to aid him with his light-horse men in executing his orders.

Approved, October 12, 1847.

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AN ACT guardians for orphan minors.

SEC. 10.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all orphan minors having neither father nor mother, shall have a guardian appointed for them by court.

*And be it further enacted,* That a schedule of the property belonging to the orphan minors shall be made out by two responsible persons appointed by the Judge of the County Court, and be placed on record in the office of the District Secretary.

*And be it further enacted,* That before a guardian enter upon the duties of his office, shall be duly sworn by the Judge for the faithful performance of his duties, and he shall be required by the court to give a fair and full statement, annually, of the condition of all and each kind of property placed in his hands, and the same be put on record as aforesaid, so that the property may not be wasted or squandered.

*And be it further enacted,* That if the means will enable the guardian, he shall make every effort to give the orphan under his charge an education.

*And be it further enacted,* That all orphans destitute of property, and who are not in the hands of relatives or friends, the court shall appoint a guardian for them, whose duty shall be to look out a good home for them, and bind them out where they may be kindly treated, clothed, and fed, and trained up in the habits of industry, and where means of instruction may be given to them, if such means are convenient. And all orphan minors having little property, shall also be placed in like manner.

*And be it further enacted,* That there shall be no debts collected of the estate of any deceased person until the expiration of twelve months from the day of his death.

*And be it further enacted,* That the widow shall have the preference of being appointed guardian for the minor children, or such person or persons as she may recommend to the court.

*And be it further enacted,* That all persons before they enter on their guardianship, shall enter into a good and sufficient bond, with approved security, in a sum at least equal in value to the estate taken in charge of. And that in case of a fail-

ure of complying with such bond, the principal and securities shall be proceeded against in court, compelling the principal and securities to return the property or pay the value of the same—and the light-horse men may be instructed by the court to make such collections.

*And be it further enacted*, That all minors shall be deemed competent to take charge of their estate so soon as they marry, or a male arriving at the age of twenty, and female at sixteen years.

*Be it further enacted*, That the guardian shall receive three per cent. out of the estimate of the property that may be placed in his or her charge.

*And be it further enacted*, That this act shall not be construed as to interfere with the provisions of a will.

Approved, October 14, 1847.

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#### AN ACT granting to new emigrants equal rights.

SEC. 11.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all the late and new emigrant Choctaws to this country, shall have equal rights with the old settlers in participation of the schools in this Nation.

Approved, October 14, 1847.

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#### SESSION XV.—1848.

AN ACT making officers of this Nation, guilty of selling whisky or getting drunk, liable to impeachment.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, any chiefs, captains, or any other officers who were elected either by the people or the General Council, shall be found

guilty of selling whisky or any other spirituous liquor, or being found drunk twice from the effects of whisky or any other liquors, shall be liable to impeachment according to the provision made in the Constitution.

*And be it further enacted,* That all officers under the appointment of the Chiefs, who shall be found guilty of violating the preceding portion of this act, shall be removed from office forthwith by the Chiefs of their respective districts.

*And be it further enacted,* That any of the Chiefs who shall neglect to discharge his duty in office, as expressly specified in the above act, shall be liable to be impeached.

Approved October 9, 1848.

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AN ACT providing the pay for Stock killing one another.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, that all property consisting of horses, cattle, jacks, jennies, mules, hogs, sheep, goats, and dogs, that may kill each other, the animal that was killed shall be valued by three disinterested persons, and the person whose beast was killed shall receive half the amount of his valuation from the owner of the beast that done the damage, to be collected by the light-horse men.

Approved October 9, 1848.

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AN ACT requiring stud jack or jackmule, etc., to be altered.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, that if any stud horse, jack, or jackmule is found with any person's horse or horses, and the owner be known, he shall be notified to take him away, and should he refuse or neglect to do so, in due time, or in case the owner of such beast or beasts be unknown, he shall be taken to the nearest person



who understands castrating and have him altered, and should such a horse, jack, or jackmule recover, the owner shall pay to the taker up, and the person who castrated him, one dollar each.

*And be it further enacted,* That should the owner refuse to pay such fine, the amount may be collected by the light-horse men, who shall have one additional dollar for his trouble.

But should the horse, jack, or jackmule die from castration, the owner will not be required to pay anything.

Approved October 9, 1848.

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AN ACT charge to Jurors by the Judge as to the points of the law.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, the judge of any trial shall give a charge to the jurors as to the points of the law, that is equitable to the case on trial.

*And be it further enacted,* That the names of the jurors be put on record with the judgment and the name of the lawyers of each party.

Approved October 10, 1848.

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AN ACT summoned Jurors how considered guilty of misdemeanor.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, if any person is summoned or sworn as a juror in any case shall take anything to give his verdict for or against any party in any case or proceeding, civil or criminal, or shall receive any paper, evidence, or information from any one, in relation to any matter or cases for trial, for which he shall be summoned, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding fifty dollars, and such fine, one-half shall go to the district fund, and the other half shall be equally divided between the

District Attorney and the light-horse who shall be at the trouble of collecting such fine.

*And be it further enacted*, That every judge or other persons, whose duty it shall be to select or summon any jurors in any court or before any officers who shall be guilty of any unlawful, partial, or improper conduct in selecting or summoning any jurors, shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding fifty dollars, and such fine shall be collected by the light-horse men, and one half go to the district funds, and the other half shall be divided between the district attorney and the light-horse, who shall be at the trouble of collecting such fine.

Approved October 10, 1848.

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AN ACT relating to persons dying intestate or without a will.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the property of all persons who die intestate, or without a will, shall descend to his legal wife, or husband, and their children.

2. *And be it further enacted*, That in case such deceased person has neither wife, nor husband, nor children, his or her grandchildren (if any) shall inherit the estate.

3. *Be it further enacted*, That in case there is no grandchild, the father or mother of such deceased person, or either of them shall heir the estate.

4. *Be it further enacted*, that in case such deceased person has neither wife, nor husband, children, or grandchildren, or father, or mother, his or her estate shall go to his or her brothers and sisters, and if none, to their lawful children.

5. Should there be none of the above mentioned relatives to the intestate deceased person, the estate shall descend to the half brothers and sisters of the deceased person and to their legal issue.

Approved October 10, 1848.

AN ACT providing for married persons, each to retain the right of their property.

SEC. 9.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, when a man and woman intermarry with each other, each one shall retain the right of the property that he or she may bring into the marriage union at the time they are joined together in the bonds of matrimony, and neither party shall have the right to dispose of the other's property without the consent of the other.

*And be it further enacted,* That when the property of the wife or husband is disposed of by either party without the consent of the other, a suit may be instituted in the courts of this nation, and the property, so disposed, restored, or the value thereof recovered.

*And be it further enacted,* That no will that is made by the husband or wife, conveying property without the consent of the other, shall be valid.

*And be it further enacted,* That all property that may be accumulated by the joint exertions of a man and his wife after they are married, shall be held in common, and subject to the disposal of the husband for the mutual support and benefit of the family.

*And be it further enacted,* That no man's nuncupative or verbal will shall be valid unless the same be witnessed by two or more disinterested witnesses.

Approved Oct. 10, 1848.

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AN ACT authorizing light-horse men to have the right to call upon any citizen for aid.

SEC. 13.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the light-horse men of the several districts shall have the right to call upon any citizen of this Nation to aid him in taking a criminal charged with

high crime against this Nation, or destroying any whisky, and such person who refuse to aid him in taking such criminal, or destroying any whisky, unless for some lawful excuse, shall be subject to a fine not exceeding five dollars. And one half of such fine shall go to the district fund, and the other half shall be equally divided between the district attorney and the light-horse men.

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AN ACT setting apart the sum of \$555 56, as an annual appropriation for neighborhood schools.

SEC. 16.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of \$555 56, be set apart and annually appropriated for the support of neighborhood and Sabbath schools in Apuckshunnebee District, and that the sum of \$222 22 be set apart, and annually appropriated for the support of neighborhood and Sabbath schools in each of the other two districts—Moshulatubbee and Pushamataha—the sites of said schools, in the several districts, to be selected, and the funds appropriated under the direction of such trustees as may be appointed by the chiefs in their respective districts.

Approved, October, 1848.

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AN ACT guardian to sell the property of Orphans by order of the Court.

SEC. 18.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that it shall be lawful for any person who may be appointed guardian for minor children to get an order from court to sell any real estate or personal property for the benefit of such minors either in or out of this Nation, and such sales shall be good and binding on such minor when they become of age.

Approved, October 12, 1848.



## AN ACT providing for an arbitration.

SEC. 20.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That when an arbitrator or arbitrators are chosen by two or more persons to decide and settle any matters in controversy, it will be necessary for each person in controversy to furnish their arbitrator or arbitrators, all proofs, facts, and statements, or any evidence they may possess in finding the case, and upon impartial trial of the same by the arbitrators, as well as his or their opinion and judgment rendered on the matter in controversy, shall be final and binding on all the persons concerned in choosing an arbitration as if it were done in any court of justice. But in case the arbitrators cannot agree in forming a decision on any case before them they shall have the right of choosing an umpire whose decision shall be final and conclusive.

*Be it further enacted,* That a decision is rendered by an arbitrator or arbitrators on any matter in controversy, such decision shall be recorded in the nearest court.

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SESSION XVI.—1849.

## AN ACT public examination of public schools.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the public examinations of academies and seminaries shall come off between the 10th and 16th July, and that the vacations in each institution shall be extended to the first Wednesday in October.

Approved, October, 1849.

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AN ACT requiring the witnesses to be kept separate.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That when two or more witnesses shall appear before any court of justice to testify to any case pend-

ing before the court, it shall be the duty of the judge to order the light-horse men to keep such witnesses separate from each other at court until their whole testimony is taken separately, that the trial may be fair and impartial.

Approved, October 9, 1849.

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AN ACT requiring guardian to be appointed for idiots.

SEC 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That when any person is proved to be in a state of derangement of mind or idiot, and possessed with property, there shall be a guardian appointed with the same power and instructions as specified in the law passed, in Session 14th, in the year 1847, regulating the effects and property of orphan minors.

Approved, October 9, 1849.

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AN ACT prohibiting white men to raise any stock in the Nation.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, no white man who has not married a native of this Nation shall ever be allowed to raise any stock within the limits of this Nation.

Approved, October 10, 1849.

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AN ACT making citizens interfering with the light-horse in the exercise of his duties, liable to be fined.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That while any of the light-horse men are engaged in the act of destroying spirituous liquors and he or they be prevented by any person or persons in any way ~~what~~ ever from executing his duty, such person or persons, so offending, shall be liable to an action in court and be made

to pay a fine not less than five dollars nor exceeding ten dollars, and one-half of such fine, so imposed, shall go to the district in which such fine may be imposed, and the other half shall go to the light-horse men who were prevented from doing their duties.

Approved, October 10, 1849.

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AN ACT liberating a Creek Indian woman.

SEC. 9.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Creek Indian woman who is now in bondage, and in the possession of Archercartubbee, is hereby liberated, and that she be allowed citizenship in this Nation.

Approved October, 1849.

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AN ACT relating to the owners of stray property proving their property within twelve months, entitled to the part deposited in the district funds.

SEC. 10.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that all stray property that may be sold agreeable to the act passed, October, 1843, respecting stray property, that it stand in full force, with the exception of that part where it says: "One-half of the proceeds arising from the sales of strays shall go to the district in which such sale may take place," shall be so amended as to read thus: Should the owner or owners of such property finding it within twelve months after it was sold, shall have the right to the amount that was deposited in the district funds arising from the sales of such strays; *Provided*, it is satisfactorily proven before any judge.

Approved, October 11, 1849.

AN ACT directing any person marrying runaway matches to be fined.

SEC. 13.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that any captain or minister of the Gospel, or any other person, who shall marry or join together in wedlock any runaway matches, shall be fined twenty-five dollars for every act they violate of the above law, and all such marriages shall not be considered lawful, and all fines imposed under this law shall go to the district in which such fine may be imposed.

Approved October 11, 1849.

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AN ACT declaring punishment for polygamy.

SEC. 14.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that any person or persons who shall be convicted of the crime of polygamy, or of living with each other in adultery, shall be liable to indictment before any court in this Nation, and fined, not exceeding twenty-five dollars, nor less than ten dollars for each of such offences.

*And be it further enacted*, That after the passage of this act, all person or persons who may be living together out of wedlock, shall be compelled to be lawfully joined together, or the party refusing so to do, shall be indicted and fined not less than ten dollars, nor exceeding twenty-five dollars for every such offence.

*And be it further enacted*, That the informant in all such offences as above specified, shall be entitled to, and receive one-third of the fines that may be so collected, and, after deducting the fees of the district attorney, the remainder shall become district funds.

October 11, 1849.



AN ACT compelling white man living with an Indian woman to marry her lawfully.

SEC. 15.—*Be it enacted by the General Council of the Choctaw Nation assembled, That every white man who is living with Indian woman in this Nation without being lawfully married to her, shall be required to marry her lawfully, or be compelled to leave the Nation, and forever stay out of it.*

*Be it further enacted, That no white man who is under a bad character will be allowed to be united to an Indian woman in marriage, in this Nation, under any circumstances whatever.*

Approved, October, 1849.

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AN ACT authorizing pay of citizens assisting light-horse in destroying liquors.

SEC. 16.—*Be it enacted by the General Council of the Choctaw Nation assembled, That from and after the passage of this act, any person or persons who shall assist any light-horse men in destroying spirituous liquors, who shall act upon the call for assistance by any light-horse men, shall be entitled to, and receive one dollar for every service he may render, out of any fund belonging to the district in which such service may be performed.*

October 11, 1849.

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AN ACT conferring citizenship on John McGilbury.

SEC. 17.—*Be it enacted by the General Council of the Choctaw Nation assembled, That John McGilbury, of the Creek Nation, is hereby allowed citizenship in this Nation.*

Approved October 11, 1849.

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AN ACT prescribing punishment for gambling.

SEC 19.—*Be it enacted by the General Council of the Choctaw Nation assembled, That from and after the passage of this act,*

any person or persons who shall introduce or bring playing-cards into this Nation, and dispose of them in any manner whatever, shall be liable to an action in court, and upon satisfactory proof being made thereof, shall be compelled to pay a fine of five dollars for every pack of cards he may dispose of.

*And be it further enacted,* That any person or persons who shall be engaged in gambling in any particular name, suit, kind or species of any game with cards, and when money or any other property is allured or indulged, each or all, and every person so engaged shall also, upon proof, be compelled to pay a fine of two dollars and fifty cents for every pack of cards they may have used in gambling.

*And be it further enacted,* That any person or persons who shall keep or let a house, room, table, or any other place where gambling with cards is indulged, such person or persons shall be brought to trial in court, and upon proof, shall be made to pay a fine not less than five dollars nor exceeding fifty dollars, as the court may determine, for every house, room, table, or any other place where gambling is allowed with cards.

*And be it further enacted,* That all fines that may be imposed under the preceding acts shall be subject to the disposition and use of district in which such fine may be imposed.

*And be it further enacted,* That any person or persons who shall introduce, practice, or be engaged in dealing or shaking the game of chuckaluck, roulette, faro, the wheel of fortune, shall be arraigned before any court, and upon satisfactory proof, the same shall be bound to pay a fine not less than twenty-five dollars nor exceeding one hundred dollars.

*And be it further enacted,* That if any white man be engaged in gambling in this Nation, in any of the games above specified, upon complaint being made to the agent or any chiefs, shall be ordered out of the Nation forthwith, and forever to remain out of it.

*And be it further enacted*, That the informer against persons engaged in any of the above specified games, shall be entitled to one half of the fines collected.

Approved, October 11, 1849.

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AN ACT requiring the Judges not put off a trial without sufficient reason.

SEC 20.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That unless good and sufficient reason is shown to the court, no Judge, when exercising the duties of his office, shall grant any person in suit at law to defer or postpone the holding of court to another time.

*And be it further enacted*, That if postponement is allowed, such postponement shall not extend any further than the sitting of the next court, at which time the Judge shall proceed to business with such facts and evidence as may be before the court.

Approved, October, 1849.

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SESSION XVII.—1850.

AN ACT requiring unmarked cattle, two years old and upwards to be posted as other strays.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, From and after the passage of this act, that all unmarked cattle two years old and upwards running with the cattle of any person in their range, be posted as other strays.

Approved, October 15, 1850.

AN ACT empowering the Chiefs to offer rewards for the apprehension of outlawed murderers.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Chiefs of the several districts shall have power to offer rewards for the apprehension or killing of outlawed murderers and other criminals who may escape beyond the reach of justice, but each reward shall not exceed fifty dollars for each outlaw, which reward shall be paid out of the national funds.

Approved, October, 1859.

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AN ACT dividing Pushamataha District into counties, assigning names and defining boundaries thereof.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That Pushamataha District is hereby subdivided and laid off into four counties, to be styled and named Kiamichi County, Tiger Spring County, Jack's Fork County, and Shappaway County, to be bounded as follows, viz.: The Kiamichi County line shall commence at the mouth of Kiamichi stream; thence up said stream to the ridge dividing its waters from Caney or Arch McGee's creek; thence southwesterly along said ridge to the said Caney creek; thence down the same to the Muddy fork of Boggy; thence down said stream to where the road leading from Fort Smith to Beal's Ferry crosses Boggy; thence along said road to Beal's Ferry on Red River; thence down said River to the beginning.

The Tiger Spring County line shall commence on Red River where the Chickasaw District boundary line strikes the same; thence down said river to Beal's Ferry where the Kiamichi county strikes the same; thence northeasterly along said county line to the mouth of Caney or Arch McGee's creek; thence up the main channel of the Muddy fork of



Boggy to where the road leading from Fort Smith to Fort Washita crosses the same; thence along said road to where the Chickasaw District line crosses the same; thence along said district line to the beginning.

3. The Jack's Fork county line shall commence on the Muddy Fork of Boggy, at the mouth of Caney or Arch McGee's Creek; thence up said creek along the Kiamachi county line to the source of ten mile creek; thence down said creek to Kiamachi stream; thence north and west along the Pushmataha district boundary to where the same crosses the road leading from Fort Smith to Fort Washita; thence along the said road to the Muddy Fork or Middle Fork of Boggy; thence down the said stream to the beginning.

4. The Shappaway county line shall commence on the Chickasaw district boundary, where the road leading from Fort Washita to Fort Smith, crosses the same; thence along said road passing through Boggy Depot to where it crosses the Chickasaw district boundary near Brashear's; thence west and south along said district boundary to the beginning.

Approved, October 15, 1850.

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AN ACT dividing Moshalatubbee District into counties, assigning names and defining boundaries thereof.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled, That* Moshalatubbee District is hereby laid off into four different counties, viz: Skullyville, Sugar Loaf, Sans Bois, and Gaines. That Skullyville county be bounded as follows: Beginning where the state line of Arkansas crosses the Arkansas River above Fort Smith; thence up said river to the mouth of Cashier; thence up said Cashier to its source; thence due straight line to the road leading from Fort Smith to Fort Washita crosses the Narrows; thence eastwardly along on the Cavernoh Mountain and strike the

Poteau, about one mile above Kowi Humma's place; thence down the channel of the Poteau to the mouth of Lick Creek; thence up said creek to western line of Arkansas state thence due north along on the said line to the beginning.

The Sugar Loaf county be bounded as follows, viz: Commence where Skullyville County strikes the western line of Arkansas State; thence due south along said line to the top of dividing ridge which separates Apuckshunnubbee and Mosholatubbee Districts; thence west along said ridge to the source of Gaines Creek; thence due north to the headwaters of Bayouzeal about four or five miles above the Narrows; thence down said Bayouzeal to where the boundary line of Skullyville County crosses the Narrows.

The Sans Bois county, be bounded as follows, viz: Commence at the mouth of Cashier; thence up Arkansas river to the mouth of Canadian; thence up said Canadian river to the mouth of Longtown creek; thence up said creek to its source; thence due south to the head waters of Sans Bois; thence eastwardly to the source of Bayouzeal; thence down said Bayouzeal to where Sugar Loaf county strikes the same.

The Gaines county to commence at the Longtown creek; thence up Canadian river to the mouth of Gaines creek; thence up said creek to the mouth of Brushy; thence up said Brushy to dividing ridge which separates Moshulatubbee and Apuckshunnubbee districts; thence eastwardly along said dividing ridge to the boundary line of Sugar Loaf county.

Approved Oct. 16, 1850.

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AN ACT dividing Apuckshunnubbee District into counties, assigning names and defining boundaries thereof.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That Apuckshunnubbee district shall be divided into seven counties, viz.: Wade, Nashoba, Eagle, Red River, Towson, Cedar and Boktuklo counties. Wade county shall be bounded as follows; To begin on the top

of the dividing ridge where the boundary of Moshulatubbee district strikes the boundary line of the State of Arkansas; thence along the top of the dividing ridge westwardly to where the road leading from Horse Prairie to Fort Smith crosses the same; thence along said road to Jack's Fork; thence down Jack's Fork to its junction; thence on a straight line in a southeast direction till it strikes the brow of the Kiamichi mountain; thence along the brow of said mountain eastwardly till it strikes the boundary of the State of Arkansas; thence along said boundary northwardly to the beginning.

2. Nashoba county shall be bounded on the north by Wade county, to a point opposite the source of Little river; thence on a straight line to said source; thence down Little river to where an old hurricane crosses said river about a mile and a half above Silas Garland's; thence along said hurricane eastwardly to its termination; thence on a line eastwardly to where it may strike the boundary line of the state of Arkansas, five miles north of Widow Solimon's; thence along said boundary line northwardly to the beginning.

3. Eagle County shall be bounded on the north by Nashoba county, to a point where Boktuklo county strikes Nashoba county; thence down Yasho Bok, to where it empties into Little river; thence down the said river to where it crosses the Arkansas boundary line; thence along said line till it strikes Nashoba county line; thence along said line to the beginning.

4. Boktuklo County shall be bounded on the north by Nashoba county to the point where it strikes Little river; thence down said river to the mouth of Yasho Bok; thence up Yasho Bok till it strikes the line boundary of Nashoba county; thence along said line to the beginning.

5. Red River county shall be bounded as follows, to wit: Beginning where the boundary line of Arkansas State crosses Little river; thence up said river to Adam Leflore's Ferry; thence south, leaving said Leflore's house

in Towson county; thence on a direct line to Scott's old place on Water-hole creek; thence down said creek to where a new road crosses the same below Zadoc Harrison's residence; thence down the new road till it strikes Red river; thence down the said river to where Arkansas line crosses Red river; thence along the said line to the beginning.

6. Towson County shall be bounded as follows, viz.: Beginning at Adam Leflore's Ferry; thence up Little river till it strikes the Seven Brothers; thence down the said Seven Brothers till it strikes Kiamichi; thence down Kiamichi to its mouth; thence down Red River to where Red River County line strikes Red river; thence up said line till it strikes the Water-hole creek; thence up the said line to the beginning.

7. Cedar County shall be bounded on the north by Wade county; on the west, by Kiamichi; on the south, by Towson county; on the east, by Nashoba county.

Approved October 16, 1850.

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#### AN ACT prescribing the proceedings in County Courts.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That every county judge shall have power to hear, try and determine all actions in this act enumerated, according to law and equity.

SEC. 13.—The judge of the county court, without the consent of either party to a suit, may, if necessary, adjourn the cause, not exceeding thirty days.

SEC. 14.—The judges of the county court, on the application of either party, on good cause shown, may adjourn a cause not exceeding thirty days for any one adjournment, and may adjourn for a longer period with the consent of both parties.

SEC. 15.—No adjournment shall be allowed upon the application of a party, unless such party satisfy the Judge by



his own affidavit, or the affidavit of some other person, that he cannot safely proceed to trial for want of some material testimony or witness ; that he has used due diligence to obtain the same, and that if an adjournment be allowed, he will be able to procure such testimony or witness in time to be used on the trial.

SEC. 16.—A subpoena by a county judge shall be valid to compel the attendance of a witness before such judge in the same county where the cause is to be tried, or being in an adjoining county.

SEC. 17.—Whenever it shall appear to the satisfaction of a Judge by proof made before him that any person duly subpoenaed to appear before him in a suit, shall have failed, without just cause, to attend as a witness in conformity to such subpoena, and the party in whose behalf subpoena was issued or his agent, shall make oath that the testimony of such witness is material, the Judge shall have power to issue a writ of attachment to compel the attendance of such witness.

SEC. 18.—Every person duly subpoenaed as a witness who shall not appear, shall forfeit and pay a fine for the use of the county in which he is subpoenaed to appear, unless some reasonable excuse shall be shown on the oath of such witness or the oath of some other person—such fine not exceeding ten dollars, as the Judge shall think reasonable to impose ; and the Judge shall make an entry in his docket of the conviction and of the cause thereof.

SEC. 19.—Either party to a civil suit depending before a county judge upon notice to the other party, may cause the deposition of every witness therein to be taken by any Judge of this Nation.

SEC. 20.—No such deposition shall be taken unless notice in writing of the time and place of taking the same, shall have been previously served on the other party at least three days before the taking thereof.

SEC. 21.—Any person aggrieved by the judgment rendered by a county judge, and except a judgment of non-suit, may, in person or by his agent, make his appeal therefrom to the district circuit court of the same district where the judgment was rendered.

SEC. 22.—No appeal shall be allowed, unless the following requisites be complied with : first, the applicant or some person for him, shall make and file with the Judge an affidavit within ten days after the judgment was rendered, setting forth that the appeal is not taken for the purpose of delay, but that justice may be done him ; second, the affidavit must also set forth specially, what part of the judgment or decree of the court he may take exceptions to, when all of which is complied with, the Judge may grant such applicant an appeal, which shall be delivered to the clerk of the circuit court at least ten days before the first day of the term of the circuit court, and enter on the docket for trial before the circuit court.

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AN ACT declaring punishment for murdering a murderer in custody.

SEC. 21.—*Be it enacted by the General Council of the Choctaw Nation, assembled,* That from and after the passage of this act, that if any person or persons shall in any way murder or put to death a murderer or other person who may be in custody at the time, such offenders shall be deemed guilty of murder and be proceeded against as such ; if convicted, shall suffer death, as provided by law in such cases.

Approved, October 17, 1850.

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AN ACT authorizing the Judges and preachers of the Gospel to solemnize the rites of matrimony.

SEC. 28.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That from and after the passage of this act, it shall be lawful for all the Judges of this Nation and preachers of the Gospel to solemnize the rites of matrimony and issue certificates thereof, if required, and be allowed and receive for every such service two dollars, to be paid by the parties so joined together.

*And be it further enacted*, That the law passed in Session 5th, Section 3d, so far as relates to the fees, be and is hereby repealed.

Approved Oct. 17, 1850.

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AN ACT providing at what age marriage may be contracted.

SEC. 29.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that every male who shall have arrived at the full age of eighteen years, and every female who shall have arrived at the full age of sixteen years, shall be capable in law of contracting marriage. But if under these ages their marriage shall be void, unless free consent by the parents and relations or guardian have been first obtained.

*Be it further enacted*, That whoever shall contract marriage in fact, contrary to the prohibition of the preceding section of this act; and whoever shall knowingly solemnize the same, shall be deemed guilty of high misdemeanor, and shall, upon conviction thereof, be fined or imprisoned at the discretion of the court.

Approved, October, 1850.

## ACTS AND RESOLUTIONS

PASSED AT

SESSION XIX.—1852.

## AN ACT appropriating unclaimed Orphan Fund.

*Whereas*, There is a balance of the funds arising from the sale of orphan lands provided for under the 19th Article of the Treaty of Dancing Rabbit Creek, in 1830, now in the hands of Mr. William Wilson, Agent to the Choctaws, belonging to claimants or their representatives who cannot be identified. *And whereas*, it is necessary that some disposition should be made of said balance. Therefore,

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the residue or balance of the proceeds of orphan lands above referred to, be and is hereby appropriated to pay the neighborhood school teachers in the several districts of this Nation.

2. *Be it further enacted*, That the Chiefs are hereby requested to inform Mr. William Wilson, United States Agent, of the passage of this act, and to request him to pay the said funds over to the Trustees of public schools, to be applied in the manner specified in the preceding section.

3. *Be it further enacted*, That the Trustees shall render a strict account of the funds thus placed in their hands annually to the General Council.

4. *Be it further enacted*, That should any orphans be identified as proper claimants or representatives, according to the register furnished by the Department at Washington, all such claims shall be refunded by the General Council.

5. *And be it further enacted*, That the above appropriation for the pay of neighborhood schools shall be divided among the three districts according to their population.

Approved November 8, 1852.



AN ACT ratifying an Act of Congress of the United States, appropriating money to pay claimants under 14th Article of the Treaty of 1830.

SEC. 5.—*Whereas*, by an Act of Congress, entitled, “An Act to supply deficiencies in the appropriations for the services of the fiscal year, ending the thirtieth of June, one thousand eight hundred and fifty-two,” It is provided, that after the thirtieth of June, one thousand eight hundred and fifty-two, all payments of interests on the amounts awarded Choctaw claimants under the Fourteenth Article of the Treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease: and that the Secretary of the Interior be directed to pay said claimants the amounts of the principal awarded in each case respectively, and that the amount necessary for this purpose be appropriated, not exceeding eight hundred and seventy-two thousand dollars; and that the final payment and satisfaction of awards shall be first ratified and approved as a final release of all claims of such parties, under the Fourteenth Article of said Treaty, by the proper national authorities of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior. *Now, be it known*, that the said General Council of the Choctaw Nation, do hereby ratify and approve the final payment and satisfaction of awards agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the Fourteenth Article of said Treaty.

Approved November 10, 1852.

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AN ACT changing the place of holding Circuit Court in the Moshulatubbee District.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the place of holding the Circuit Court

in Moshulatubbee District shall be located at Skullyville, near the Choctaw agency. *And be it further enacted*, that the act passed, Sec. 23, Session 18, locating the Circuit Court ground at Good-land, is hereby repealed.

Approved November 10, 1852.

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AN ACT appropriating residue of funds arising under the Twentieth Article of Treaty of 1830 for educational purposes.

SEC. 9.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the residue of funds granted under the Twentieth Article of the Treaty of Dancing Rabbit Creek, 1830, for the education of forty Choctaw youths, which has been loaned to the United States, and which yields an annual interest, be, and the same is hereby appropriated for the support of neighborhood schools in the three districts of this Nation. *Provided, however*, that the students who have been selected by the Board of Trustees, and who are now at college, shall remain and be supported until they shall have completed their education.

2. *Be it further enacted*, That when those Choctaw students already selected and are at college shall have finished their education, the whole amount of interest shall be remitted from time to time as it is appropriated by Congress, to be applied for the pay of neighborhood schools and teachers; and the said amount of interest shall be divided among the three districts according to their population.

3. *Be it further enacted*, That the Chiefs are hereby authorized to communicate the passage of this act to Mr. William Wilson, United States agent, and request him to call upon the Commissioner of Indian Affairs, to remit to him the amount of funds on hand, and when received to be paid over by him to the Trustees of Public Schools.

4. *Be it further enacted*, The Trustees of Public Schools

shall have the power in their respective districts to locate the schools, employ teachers, fix their salaries and pay them, and remove the same when found unsuitable or incompetent at their discretion, and appoint trustees for the neighborhood schools, who shall act under their instruction.

5. *Be it further enacted*, That it shall be the duty of the Trustees to report the expenditures, state, condition and prospect of each school annually, to the General Council.

6. *Be it further enacted*, That each district shall be furnished with a blank book for the purpose of recording school reports.

7. *Be it further enacted*, That the Trustees of Public Schools shall each have an additional salary of fifty dollars annually out of school funds.

8. *Be it further enacted*, That an act passed regulating neighborhood schools, in Section 1, Session 16, is hereby made null and void.

9. *Be it further enacted*, That all the schools and school funds that are in the hands of school managers, as specified in Section 1, Session 16, are hereby transferred to the Board of Trustees of Public Schools.

10. *And be it further enacted*, That Section 5, of the Session 14, is hereby made null and void.

Approved November, 11, 1852.

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Resolutions complimentary to Superintendents and teachers  
of Public Schools.

SEC. 11.—*Resolved by the General Council of the Choctaw Nation assembled*, That the thanks of the Council be tendered to the Superintendents and Teachers of Public Schools of this Nation for their long and faithful services, their long attachment to our people, their interest in our welfare, and their devotion to the cause in which they are engaged.

*Be it further resolved*, That the chiefs of the several dis-

tricts be requested to send a copy of the above resolution to each of the Superintendents of Public Schools.

Approved November 12, 1852.

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Resolutions respecting arrearages due by the United States under various treaties.

SEC. 12.—*Whereas*, during the recess of the General Council, information reached the District Chiefs that a large amount of money was due the Choctaws from the United States Government from arrearages of annuities payable under various Treaties. *And whereas*, The Chiefs authorized Thompson McKinney and Forbis Leflore to take such steps as might be necessary and proper for the recovery of such arrearages, and agreed with them that one-tenth of all that might be recovered should be allowed for the purpose for paying any expenses that might be incurred in effecting such recovery. *And whereas*, steps were taken by said McKinney and Leflore during their recent visit at Washington in prosecuting said claims by virtue of the authority given them by said Chiefs; now, in order to secure more effectually the payment of said arrearages,

*Resolved by the General Council of the Choctaw Nation assembled*, That the authority given by the District Chiefs to Messrs McKinney and Leflore to make arrangements for the recovery of arrearages of annuities due the Choctaws under various Treaties, together with the allowances agreed to be made them for compensation, be, and the same are hereby approved and confirmed.

*Resolved further*, That in case McKinney and Leflore should fail to effect the payment of arrearages of annuities, under various treaties, they shall not be allowed any pay for their services.

Approved November 12, 1852.



AN ACT respecting blind, cripple, idiotic and insane persons.

SEC. 22.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the several county judges in each district shall furnish the district clerks with the names of all blind, cripple, idiotic and insane persons, who have not the means of support, and certify to the correctness of the same.

2. *And be it further enacted*, That the district clerks shall report the same to the Council.

Approved November 13, 1852.

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AN ACT providing for the pay of judges called to sit temporarily, and appropriating a sum of like services formerly rendered.

SEC. 29.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, each temporary judge, who may be called to sit on the trial of any cause, either in the Circuit or Supreme National Court, shall receive two dollars and fifty cents per day.

3. *And be it further enacted*, That for the payment of temporary judges who have served on former occasions, the sum of thirty dollars be, and is hereby appropriated out of the district funds.

Approved November 13, 1852.

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## ACTS AND RESOLUTIONS

PASSED AT

SESSION XX.—1853.

AN ACT repealing a certain act heretofore passed.

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the law passed in November 8, 1851,

in Session VIII., Section 18, be and the same is hereby repealed.

Approved November 5, 1853.

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AN ACT changing places of holding county court in Gaines County.

SEC. 3.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the county court ground of Gaines county, Moshulatubbee district, be held at Boiling Water, near Capt. Washington's, of said county.

2. *And be it further enacted*, That the Act of Session XVIII., Section 21, be and the same is hereby repealed.

Approved November 7, 1853.

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AN ACT respecting licenses of attorneys-at-law.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That any person who may hereafter apply for admission to practice as an attorney-at-law, may undergo an examination before any one of the judges of the Supreme Court, within or out of term-time; and if such persons applying, be found to possess a competent share of law knowledge, and be of good character, such judge shall grant him a license under his hand and seal, to practice as an attorney-at-law in all the courts of law in this Nation.

2. *Be it further enacted*, That the attorney-at-law who shall be permitted to practice law in this Nation, will pay for the license granted ten dollars, and that the funds shall be applied for district purposes in which he shall reside.

Approved November 8, 1853.

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RESOLUTIONS creating a delegation to settle all unsettled business with the Government of the United States.

SEC. 9.—*Whereas*, The Choctaws were and ever have been

dissatisfied with the manner in which the treaty of Dancing Rabbit Creek was made, owing to the many circumstances which were created to force them into it, and owing to the exceeding small and inadequate amount which was given as payment for their country; and whereas, a large number of claims on the United States, arising under the 14th and 19th and other articles of the treaty of 1830, are still remaining unpaid; and whereas, information has reached the Council that the demands of a portion of certain claimants have become prejudiced by the unauthorized interference of white men at Washington, who, without the knowledge or consent of the claimants, pretend to be their attorneys; and whereas, the claimants have, repeatedly, from time to time, called on the Council to assist them in procuring what is justly due them from the United States; and whereas, in the opinion of the Council a speedy and final settlement should be made with the United States of the foregoing specification. Therefore,

*Resolved*, That P. P. Pitchlynn, Israel Folsom, Dixon W. Lewis and Samuel Garland, be and are hereby appointed delegates, and fully empowered to represent and to institute, in behalf of the Choctaw people, a claim upon the United States, for the pay and remuneration the country which they ceded to the United States Government, east of the Mississippi river, and protect and defend all and every right and interest of the Choctaws, arising under treaty stipulations or otherwise.

*Be it further resolved*, That the said delegates are hereby clothed with full power to settle and dispose of by treaty, or otherwise, all and every claim and interest of the Choctaw people against the Government of the United States, and to adjust and bring to a final close all unsettled business of the Choctaw people with the said Government of the United States.

*Be it further resolved*, That in case of resignation or death of any of the said delegation above mentioned, the chiefs

have the power to appoint any person to fill such vacancy in his district.

*Be it further resolved*, That the chiefs be required to inform the Government at Washington, through the proper channel, of the appointment of said delegation of the Nation, of their powers and of the fact that no other person, whatsoever, is authorized to act for or represent Choctaw claimants at Washington.

*Be it further resolved*, That the agent for the Government be requested to accompany said delegation and to aid them with his counsel and official influence in effecting the object of their visit.

Approved November 9, 1853.

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AN ACT naturalizing certain persons therein named.

SEC. 11.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That William Morrison, Thomas Morrison, Sarah Jane Morrison, Molly Redhead, Betsey Heart, Rebecca Heart, Philip Keggo, and infant child of Philip Keggo, Rosey Ayres, Betsey Ayres, Julian Ayres, Mary Ayres, Sopenia Ayres and Sally Ayres; and they are hereby declared naturalized citizens of the Choctaw nation, invested with all the rights, privileges and immunities of naturalized citizens of the same.

Approved November 9, 1853.

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AN ACT making penal ball play and horse racing on Sundays.

SEC. 12.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, any person or persons making up ball plays or racing horses for bets or amusements on Sunday, shall be indicted before any County Court in this Nation, and shall be fined ten dollars; and fines thus imposed under this law, shall go to the district funds.

Approved, November 9, 1853.



2. *Be it further enacted*, That in case of misdemeanor of the treasurers, or any person entrusted with public funds, or a failure to account for the amount placed in their hands as required by law, he shall be proceeded against in any court, compelling the principal and security, or securities to return the same.

3. *Be it further enacted*, That the light-horse men shall be authorized by court to make all such collections.

Approved, November 15, 1853.

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AN ACT to amend the various acts in relation to education  
and for other purposes.

SEC. 19.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall be a board of trustees and general superintendent of schools and academies, who shall be ex-officio President of the Board of Trustees, to be composed of one trustee for each Choctaw district of the Nation to be elected by the General Council, and hold their offices for the term of four years, and shall receive the sum of one hundred dollars each per annum for their services, to be paid out of the public funds.

SEC. 2. Each and every superintendent, trustee of schools, shall enter into bonds, with good and sufficient security, payable to the Choctaw Nation, in the penal sum of five thousand dollars, conditional for the faithful performance of the duties imposed upon them by this act, and for the safe keeping and disbursement according to law of any and all school funds which may from time to time be turned over to them, or either of them, and such bond, or bonds shall be a lien upon all property of the principal and securities who make the same, and may be put in suit by the Executive Council for a breach thereof.

SEC. 3. It shall be the duty of the superintendent of education to visit the schools and academies of this Nation at least

once in each and every year, and to correspond with the trustee for each district, and also with the superintendents of schools and academies ; when necessary to require from each teacher and superintendent of schools or academies a report, setting forth the condition of such schools or academies within their respective districts : The system of education, the kind of class books, the progress of the pupils, the cost of tuition, board and expenses, the amount and nature of the revenue received by the teacher or superintendent appropriated by the Council, Missionary Board, or received from the labor of the student, or from any other source, together with such information touching the character, qualification and fitness of the various persons employed in, or in connection with the school, such as farmers, servants, etc., as he may deem proper, and to lay the same before the National Council at its annual sessions, with such remarks and suggestions as he may see fit to make.

SEC. 4. The Board of Trustees may be convened at such times and such places as shall be directed by the superintendent to take into consideration any matter of general interest ; to hear and determine all questions of difficulty arising between the trustees and any superintendent or teacher of school, if in their judgment changes are necessary in any of the superintendents, teachers, or farmers employed in any such academies or schools, to request the Missionary Board, or their authorized agents, having the management of such academies or schools, to remove any one not fit or suitable to be employed at such institution ; and if such board or their agents fail or refuse to comply with the wishes of the Board of Trustees, to report the same to the Commissioner of Indian Affairs through the United States Agent for the Choctaw.

SEC. 5. It shall be the duty of the general superintendent of schools, or either of the trustees under his direction, to place at interest any money or moneys in their hands, or

which may come into the possession of the Board of Trustees, or either of them, which may not be immediately required to defray the expenses of education of the Choctaw Nation, upon such time as he may think proper for the benefit of the school funds of the Choctaw people, employing such agent for safe keeping, investment, or loan, advantageous to the Nation.

SEC. 6. The trustees of each district shall select the scholars to be sent to the various schools and academies, under regulations and provisions of the laws now in force, so far as they are consistent with this act: *Provided, however*, that so soon as a general system of common or neighborhood schools shall be established, the scholars sent to the academies shall be selected from the different neighborhood schools, *pro rata*, according to the number of children taught in said schools, giving the preference to such as have shown the highest capability of learning, and have made the greatest progress in their studies, and shall report a list of all such scholars selected for the schools and academies to the general superintendent.

SEC. 7.—The Board of Trustees shall have the right and are hereby authorized to contract with any board of missions or persons for the establishment of academies and schools in the Choctaw Nation; but no contract shall hereafter be made without a clause giving to either party to such contract the right to terminate and rescind the same upon six months' notice to either party of such intention or wish to annul said contract or contracts.

SEC. 8.—Annual examinations of the pupils at the schools and academies, shall take place at such times as the general superintendent shall designate.

SEC. 9.—The Trustees in the several districts shall have the power to suspend any school in such district, in case of sickness or epidemic at the schools and academies which may render it unsafe or improper to continue the same.

SEC. 10.—The general superintendent of schools shall be elected at the present session of the National Council, and every four years hereafter.

SEC. 11.—All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, November 11, 1853.

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Resolution directing investment of Choctaw Funds arising  
under Treaty of 1830.

SEC. 20.—*Whereas*, there is a large amount of money, being a balance of \$872,000 appropriated by the act of Congress, July 1852, in satisfaction of awards to the Choctaws for certain claims arising under Treaty of Dancing Rabbit Creek, of 1830, who have not applied and may not ever apply for the same. And whereas, the government of the United States require a receipt for said money, therefore admitting the right of the Choctaw Nation to control the same. And whereas, said money is lying idle and unproductive, and a large portion of it may continue to do so for many years to come, to the great loss of the Choctaw people. And whereas, in the event the rightful claimants or their heirs or legal representatives are dead, or shall not claim the same within a reasonable length of time, said money escheat to or vest in the Choctaw people. Therefore, be it resolved, that the government of the United States be requested to authorize the investment or loan of said money for the benefit of the Choctaw people, by D. H. Cooper, Choctaw agent, and to pay over the interest arising thereon to the three trustees and general superintendent of schools of the Choctaw people, annually, according to population, after deducting all legal charges on said interest which may be authorized by the Choctaw government, and the balance of such annual inter-



est shall be appropriated from time to time by the National Council of the Choctaw people, for the support of neighborhood schools, among the citizens of Choctaw blood living in the Choctaw Districts of the Choctaw Nation.

Approved, November 17, 1853.

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AN ACT placing funds arising under the Treaty of 1830, for the education of forty youths, in the hands of the Superintendent and Trustees of schools.

SEC. 22.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the interest accruing from the provisions of the treaty of Dancing Rabbit Creek, for the education of forty Choctaw youths, be and the same is hereby, with the consent of the President of the United States, set apart and placed under the control and management of the superintendent and trustees of the public schools in this Nation, for the education of the Choctaw youths in schools, academies, and colleges in the States, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved, November 17, 1853.

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## ACTS AND RESOLUTIONS

PASSED AT

SESSION XXI.—1854.

AN ACT changing the name of Tiger Spring County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that Tiger Spring County, in Pushmataha District, be

changed and called Blue County, and to embrace the same boundary lines as said Tiger Spring County, as defined at Session 17th, Sec. 2.

Approved, November 6, 1854.

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AN ACT establishing an additional precinct in Skullyville County.

SEC. 4.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, in the county of Skullyville, in addition to the present precinct, there shall be one established on Dog Creek, at George Gaines', in said county, and the voters of said county may vote at either precinct.

Approved, November 7, 1854.

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AN ACT dividing Sugar Loaf County into two election precincts.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, Sugar Loaf county shall be divided into two precincts for election purposes, viz.: one precinct at A. G. Morris', and the other at Stephen Holson's; and that portion of Section 19, Session 18, which authorizes the elections in said county to be held at Camper's school-house, is hereby repealed; and that the voters of said county are hereby authorized to vote at either of said precincts.

Approved, November 7, 1854.

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Resolutions in relation to the Territorial Bill and Railroads.

SEC. 6.—*Resolved by the Senate and House of Representatives of the General Council of the Choctaw Nation assembled*, That a

committee be appointed, to be composed of individuals both in the Council and out of it, to take into consideration the Territorial bill and Railroad projects, who shall report and recommend to the present Council such measures as they may deem advisable for the welfare of our people.

Approved, November 7, 1854.

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AN ACT giving James McClean the privilege of erecting a Toll-bridge on the Poteau River.

SEC. 8.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the privilege is hereby granted to James McClean, of the Choctaw Nation, the exclusive right of building a toll-bridge across the Poteau River, at any point from the mouth of said river up to Phil's ferry on said stream.

2. *Be it further enacted*, That the said James McClean shall not interfere with any rights of citizens of this Nation, who may have established ferries on said stream, without his or their consent.

3. *Be it further enacted*, That this right and privilege, thus granted, be renewed at the expiration of twenty years, should the same be deemed advantageous, and that the General Council shall have the right to regulate and establish the rate of toll by law.

4. *Be it further enacted*, That in case of low water the citizens of the Choctaw Nations shall cross free of charge.

5. *And be it further enacted*, That the act passed, section 18, session 15, be and is hereby repealed.

Approved, November 8, 1854.

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AN ACT imposing fines for disturbing religious services and schools.

SEC. 9.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That from and after the passage of this act, any person or persons disturbing any religious devotion, or any school of the Choctaw Nation, shall be subject to pay a fine of not less than five dollars nor exceeding twenty dollars, the same to be determined by court, and the fine so paid shall belong to the district in which it may be collected.

2. *Be it further enacted*, That the act of section 5, session 13, is hereby repealed.

Approved, November 8, 1854.

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AN ACT establishing two election precincts in Kiamichi County

SEC. 10.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the county of Kiamichi shall be divided into two precincts for election purposes, viz: One precinct at Good Land and the other at Ayuhkana deceased's house, on Beaver Creek, and that portion of section 29, session 18, establishing the election ground at Bok-Falaya school-house, be and is hereby repealed.

Approved, November 19, 1854.

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RESOLUTIONS relative to Choctaw claims against the United States.

SEC. 15.—*Whereas*, The General Council of the Choctaw Nation, at its Session, November 9, A. D. 1853, appointed P. P. Pitchlynn, Israel Folsom, Dixon W. Lewis, and Samuel Garland, delegates to represent the Choctaw Nation at Washington City, and to institute in their name and behalf a claim upon the Government of the United States, for further pay and remuneration for the country ceded by them to said Government under the treaty concluded at Dancing Rabbit Creek, 1830, and to protect and to defend every right and interest



of the Choctaws arising under treaty stipulations or otherwise, with full power to settle and dispose of by treaty or otherwise, all and every claim and interest of the Choctaw people against the United States Government, and to adjust and bring to a close all unsettled business of the Choctaw people with said Government; and whereas, the incipient steps have been taken by said delegation to effect the object of their mission; and whereas, and from the intricate nature of said claims and interests of the Choctaw people, further trial and exertion is necessary to bring them to a successful issue; and whereas, the Choctaw Council has undiminished confidence in the wisdom, prudence and integrity of said delegation, therefore:

*Be it resolved by the General Council of the Choctaw Nation assembled,* That P. P. Pitchlynn, Israel Folsom, Dixon W. Lewis, and Samuel Garland, be and they are hereby instructed to remain at Washington City, and continue to press to final settlement all claims and unsettled business of the Choctaws with said Government, with full power to take all measures, and to enter into all contracts, which, in their judgment, may become necessary and proper, in the name of the Choctaw people, and to bring to a final and satisfactory adjustment and settlement all claims or demands whatsoever which the Choctaw tribe, or any member thereof, have against the Government of the United States, by treaty or otherwise.

*Be it further resolved,* That the Choctaw Delegation be instructed to request the Commissioner of Indian Affairs to authorize D. H. Cooper, United States Agent, to repair to Washington City for the purpose of assisting in the investigation of Choctaw claims, and by his counsel and advice to aid in consummating a final and satisfactory settlement of all unadjusted Choctaw matters with the Government of the United States as speedily as possible.

Approved, November 10, 1854.

RESOLUTION providing for the pay of certain services of  
P. P. Pitchlynn.

SEC. 18.—*Whereas*, a resolution was introduced and passed the General Council in 1842, allowing the superintendent of the Choctaw academy in Kentucky, Col. P. P. Pitchlynn, one thousand dollars for his services at said institution, and causing the funds of that institution to be withdrawn and invested for the support of Spencer academy, has been mislaid, and although the Chiefs have given a certificate to that effect, the Department refused to recognize and pay the said claim unless the resolution be produced, or a new one adopted ; therefore :

*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Department at Washington be and is hereby requested to pay the above sum of one thousand dollars to Col. P. P. Pitchlynn for said services.

Approved, November 14, 1854.

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Resolution requesting Rev. E. Hotchkin to sign certain  
vouchers.

SEC. 19.—*Resolved by the General Council of the Choctaw Nation assembled*, That the former superintendent of the Koonsha female seminary, the Rev. E. Hotchkin, be requested to sign the vouchers for the United States agent for the three thousand dollars, formerly expended in said institution, and turn over the same to general superintendent of schools, who is authorized to sign such receipts as in his judgment will secure the said Hotchkin from any liability for signing said government vouchers.

Approved, November 14, 1854.

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Resolutions authorizing payment of the Nelson claim.

SEC. 20.—*Whereas*, a resolution was passed at the last ses-

sion of the General Council, appropriating the sum of three thousand five hundred and seventy dollars, for the payment of a claim due the heirs of Garret Nelson, for boarding Choctaw youths in the old Nation; but, unfortunately, said resolution omitted to mention the same, in consequence of which omission the department at Washington refused the claims; therefore,

*Be it resolved by the General Council of the Choctaw Nation assembled,* That the department be, and is hereby requested to pay the three thousand five hundred and seventy dollars to the order of any delegates at Washington.

Approved, November 14, 1854.

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#### AN ACT exempting certain property from seizure and sale for fines imposed.

SEC. 22.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, when any fine is imposed upon offenders against the laws of the Nation, and when the light-horse men are ordered by any judge as directed by law, to seize property, to sell the same to pay the fine or fines imposed, that there shall be reserved unto the offenders the house, furniture and farming utensils from being taken and sold as provided by law.

Approved, November 14, 1854.

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Resolutions requesting Chiefs to have the bounds of Fort Arbuckle defined, and to request the agent to remove trespassers.

SEC. 24.—*Whereas,* various complaints having been made to the General Council, by petition, setting forth that the military post at Fort Arbuckle, and white men not citizens of this Nation, and entirely unconnected with the service of the

United States, have taken possession of a large tract of country, not included within the limits of one mile square, generally set apart for such military posts. Therefore,

*Be it resolved by the General Council of the Choctaw Nation assembled,* That the several chiefs of this Nation are hereby requested to inform the Choctaw agent of these facts, and through him to have this subject investigated, and the bounds of Fort Arbuckle defined.

*Resolved further,* That when such bounds are ascertained, that all trespassers shall be immediately removed, and all improvements, such as farms, mills and dwelling-houses, shall be vacated, if not within the boundary of one mile square; and such white men as are not citizens of this Nation, and not in the service of the United States, shall, by order of the Choctaw agent, be ordered to leave the limits of the Choctaw Nation.

Approved, November, 1854.

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AN ACT requiring all free males over eighteen and under fifty years old to work on the road.

SEC. 27.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, that it shall be the duty of the county judges of this Nation to require people to work on the roads in their respective counties six days in each year.

2. *Be it further enacted,* That it shall be the duty of the county judges to notify the people of their respective counties by any light-horse man, at least five days before the time for working on the roads, who, with their axes, hoes and other utensils that may be necessary for the work, shall so work.

3. *Be it further enacted,* That if any person or persons who are duly notified, and shall refuse to work on the public



roads, they shall be made to pay a fine of not less than fifty cents per day, and the fine, when collected, shall be placed in the hands of their respective county judges for county purposes: *Provided*, any person or persons on showing a good cause for not complying with such notification to their county judges, and the judges being satisfied of the excuse, shall be exempt from such fine.

4. *And be it further enacted*, That all free males from the age of eighteen to fifty years old shall be subject to the provisions of this act, and those over fifty years old, shall be exempt from the same.

5. *Be it further enacted*, That those persons who are citizens of the United States, and residing in this Nation, as mechanics, merchants, or in any business, and have received a permit or license to remain, shall be subject to the provisions of this act; but in case he or they refuse to comply with this law, they shall be reported to the proper authority.

6. *Be it further enacted*, That the school teachers, farmers, that belong to the different institutions of this Nation, students of the different schools, and doctors, shall be exempt from working on the road.

7. *Be it further enacted*, That county judges shall have the right to appoint two competent men out of their own county, whose duty shall be to attend to and mark out the way for any new road that it may be necessary to make.

8. *Be it further enacted*, That the law of Session XV., Section 17, is hereby repealed.

Approved, November 15, 1854.

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AN ACT dividing Towson County into two election precincts.

SEC. 28.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the county of Towson shall be divided into two precincts for election purposes, viz.: one precinct to be at the circuit court ground in said county, and the other at the schoolhouse

called Lukfapa Chito ; and that the voters of said county may vote at either precinct ; and that portion of Section 29, Session 18, establishing the election at the annuity ground, be and the same is hereby repealed.

Approved November 15, 1854.

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RESOLUTIONS directing Superintendent of Fort Coffee Academy and trustees of schools in Moshulatubbee district, to correspond with Board of Missions of Methodist Episcopal Church South, and for other purposes.

SEC. 29.—*Resolved by the General Council of the Choctaw Nation assembled*, That the superintendent of Fort Coffee Academy, and the trustees in Moshulatubbee district are hereby authorized to correspond with the Board of Missions of M. E. Church South, during the coming year, on the "items" of changes agreed upon between Mr. McKinney and the Rev. W. T. McAlister, and lay before the next General Council, for its action, the result of their correspondence with such board.

*Resolved further*, That the three hundred dollars, the unexpended sum formerly appropriated for Norwalk school, be paid over to the trustee of Apuckshunnubbee district, to be used for neighborhood schools at his discretion.

Approved November 15, 1854.

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A RESOLUTION requesting chiefs to ask agent of Choctaws to call on agent or chief of the Cherokees for a meeting of the Tribes, by commissioners, for purposes therein stated.

SEC. 31.—*Resolved by the General Council of the Choctaw Nation assembled*, That the chiefs be requested to call upon the Choctaw agent, either in person or by written communication, asking him to correspond with the Cherokee agent, or their principal chief, to meet Choctaw commissioners to be appointed by the several district chiefs, by commissioners on

their part, at such time and place as may be agreed upon, to cause an intercourse law to be made to punish offenders among members of either Tribe against the laws of the other ; the same to be laid before the General Council for its approval.

Approved November 16, 1854.

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AN ACT giving mileage to judges of the Supreme Court in attending the same.

SEC. 34.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That in addition to the pay received by the Supreme Judges of this Nation, they shall be allowed the same mileage as members to the General Council are allowed, when coming to and returning from the Supreme Court.

Approved November 16, 1854.

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AN ACT for the benefit of crippled, blind and idiotic persons.

SEC. 37.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, crippled, blind and idiotic persons who are poor and unable to support themselves, and who are temperate, shall receive ten dollars each from the sales of stray property in their respective districts.

Approved November 16, 1854.

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AN ACT granting Samuel Allen the exclusive privilege of building a toll-bridge across Poteau River, at a certain point.

SEC. 38.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the privilege of the exclusive right is hereby granted to Samuel Allen, of the Choctaw Nation, of building a toll-bridge across the Poteau River, at any point from Phil's Ferry, up to Pitchlynn's Ferry on said stream.

2. *Be it further enacted*, That the said Samuel Allen shall not interfere with any right of citizens of this Nation who may have established ferries on said stream without his or her consent.

3. *Be it further enacted*, That the rights and privileges thus granted, be renewed at the expiration of twenty years, should the same be deemed advantageous. The General Council shall have the right to regulate and establish the rates of toll by law.

4. *Be it further enacted*, That in case of low water, the citizens of the Choctaw Nation shall cross free of charge.

Approved November 16, 1854.

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AN ACT to prevent persons intoxicated from disturbing public gatherings.

SEC. 43.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, any person or persons, under the influence of intoxicating liquor, who shall disturb any public gathering in this Nation, shall be fined ten dollars, which shall be collected by the light-horse men, as other fines, and if necessary such offender or offenders shall be confined in jail until sober.

Approved, November 16, 1854.

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ACTS AND RESOLUTIONS

PASSED AT

SESSION XXII.—1855.

RESOLUTION directing the removal of John Johnston beyond the limits of the Nation.

SEC. 2.—*Whereas*, A certain white man named John Johnston, now living near Skullyville, in Moshulatubbee District,



who was ordered out of this Nation in 1855, for living with a woman in violation of the laws of this Nation, has again returned to this Nation and refuses to leave.

*Therefore, Resolved*, That the Chiefs are hereby authorized to request the United States Agent, Gen. D. H. Cooper, to have Col. John Johnston, and all of his property, removed out of this Nation as soon as practicable, and for ever stay out of it.

• Approved, November 8, 1855.

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### AN ACT changing the boundaries of Wade County.

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the boundary line of Wade county be changed and run as follows :

Beginning on the top of the dividing ridge where the boundary line of Moshulatubbee District strikes the boundary line of the State of Arkansas ; running thence along the top of the dividing ridge eastwardly to where the road leading from Horse Prairie to Fort Smith crosses the same ; thence along said road to Jack's Fork ; thence down Jack's Fork to its junction with Kiamichi ; thence down Kiamichi to the Narrows, one mile above Hotakah's place ; thence running on a straight line to a spring on the top of Kiamichi mountain, known as Okchaya's place ; thence east until it shall strike Little River two miles above Hopenachobi's place ; thence up said river to its source ; thence eastwardly to the state line of Arkansas, and thence along said line to the beginning.

2. *Be it further enacted*, That that part of Session 17, Section 6, defining the boundary lines of Wade county shall be null and void.

Approved, November 15, 1855.

AN ACT changing the place of holding the County Court of  
Skullyville County.

SEC. 6.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, the County Court of Skullyville County shall be held near the crossing of Buck Creek on the Washita road, and that the act passed Session 20, Section 13, locating said court ground at Skullyville, is hereby repealed.

Approved November 15, 1855.

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RESOLUTIONS approving report of the Delegation at Wash-  
ington.

SEC. 10.—*Be it resolved by the General Council of the Choctaw Nation assembled,* That the report of the proceedings of the delegation at Washington having been fully examined, the same be and is hereby approved.

Approved, November 17, 1855.

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RESOLUTIONS further directing Choctaw Delegation at Wash-  
ington.

SEC. 12. *Be it resolved by the General Council of the Choctaw Nation assembled,* That the delegates who negotiated the treaty of June 1855, be instructed to proceed to Washington as soon as practicable, and that full power is hereby given them, or to such of them as may be in Washington, to close up as speedily as possible the business they have commenced.

Approved November 17, 1855.

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RESOLUTIONS requesting the United States Agent to accom-  
pany the Delegation to Washington.

SEC. 13.—*Be it resolved by the General Council of the Choctaw*

*Nation assembled*, That the United States Agent, Gen. D. H. Cooper, be and he is hereby requested to proceed to Washington with the delegation, and render them such aid as they may require from him in bringing to a close the unsettled business of the Choctaws.

Approved, November 19, 1855.

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AN ACT ratifying the Treaty of June 22d, 1855.

SEC. 15.—*Whereas*, articles of agreement and convention were made and concluded on the 22d day of June, A. D. one thousand eight hundred and fifty-five, between George W. Mannypenny, Commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, Commissioners on the part of the Choctaws; and Edmond Pickens and Sampson Folsom, Commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, viz. :

*Whereas*, the political connection heretofore existing between the Choctaw and Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a re-adjustment of their relations to each other and to the United States : And whereas, the United States desire that the Choctaw Indians shall relinquish all claims to any territory west of the one hundredth degree of west longitude ; and also, make provision for the permanent settlement within the Choctaw country of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and the Chickasaws are willing to lease on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eight degree of west longitude : And whereas, the Choctaws contend that by just and fair construction of the treaty of September 27th, 1830, they are of right entitled to

the net proceeds of the land ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject matter of their unsettled claims, whether national or individual, against the United States, arising under various provisions of said treaty, shall be referred to the Senate of the United States, for final adjudication and adjustment: And whereas, it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument: And whereas, in the 21st Article thereof, it is among other things recited, that said agreement shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by the President and Senate of the United States.

Now, therefore, be it known, That the Choctaws, in General Council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and each being satisfied therewith, do upon their part hereby assent to ratify and confirm the same as stipulated and required.

Done and approved at the Council House at Fort Towson, in the Choctaw Nation, this 19th of November, A. D. 1855.

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## ACTS AND RESOLUTIONS

PASSED AT THE

EXTRA SESSION, JULY 25, 1856.

AN ACT directing disposition of funds due Choctaws under various articles of the Treaty of 1855.

*Whereas*, Articles of agreement and convention between



the United States, the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, June 22d, 1855, and ratified by the Senate of the United States, Feb. 21st, 1856, and approved by the President of the United States, March 4th, 1856, among other things provides and stipulates : first, under article 8th thereof, " that in consideration of certain privileges granted and secured to the Chickasaws (in articles preceeding) and immediately upon the ratification of said convention," there shall be paid to the Choctaws, in such manner as their National Council shall direct, out of the national funds of the Chickasaws, held in trust by the United States, the sum of one hundred and fifty thousand dollars ; and, *Whereas*, the Chickasaw Council did by act, approved 14th December, 1855, appropriate the sum of one hundred and fifty thousand dollars out of their national fund, held in trust by the United States, and placed the same subject to the control of the President of the United States, for the purpose of carrying into effect the stipulation contained in Article 8th of the agreement and convention aforesaid ; and, *Whereas*, under Article 10th of said convention, it is provided that in consideration of the relinquishment and lease contained in Article 9th preceeding, and as soon as practicable after the ratification of said convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, in such manner as their National Council shall direct ; and, *Whereas*, under the stipulations contained in Article 13th, it was afterwards agreed that the sum of five hundred thousand dollars out of the amount payable to the Choctaws, under Articles 8th and 10th of said convention, should be held in trust by the United States, together with the funds yielding an annual interest of not less than five per centum, and that said interest shall be regularly and judiciously applied under the direction of the General Council of the Choctaws, for the support of the government, for purposes of education and such other objects as may be best

calculated to promote and advance the improvement, welfare and happiness of the Choctaw people and their descendants. Now, therefore, by virtue of the authority conferred by said articles of agreement and convention,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the President of the United States or other proper officer thereof, be and he is hereby requested and directed to turn over as soon as practicable to the United States Agent, for the Choctaws, the sum of one hundred and fifty thousand dollars due out of the national funds of the Chickasaws, according to stipulations contained in Article 8th of the Convention of June 22d, 1855, between the United States, the Choctaw and Chickasaw tribes of Indians, with instructions to said Agent to pay the same to the Choctaw people *per capita* as soon as possible.

2. *Be it further enacted*, That the government of the United States or other proper officer thereof, be and the same is hereby requested and directed to turn over to the United States Agent, for the Choctaws, the sum of one hundred thousand dollars, payable to the Choctaws according to the stipulations contained in Article 10th of the agreement and convention of June 22d, 1855, between the United States, the Choctaw and Chickasaw tribes of Indians, with instructions to said Agent to pay the same over to the Treasurer of the Choctaw Nation, for national purposes.

3. *Be it further enacted*, That the government of the United States or other proper officer thereof, be and the same is hereby requested and directed to turn over to the United States Agent, for the Choctaws, the interest arising from and due up to June 30th, 1855, on five hundred thousand dollars held in trust by the United States, according to the stipulations contained in Article 13th of the agreement and convention of June 22d, 1855, between the United States, the Choctaw and Chickasaw tribes of Indians, with instruction to said Agent to pay the same over to the Treasurer of the Choctaw

Nation, to be applied under the direction of the General Council of the Choctaws to the support of their government, for purposes of education and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

Approved July 25, 1856.

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## ACTS AND RESOLUTIONS.

PASSED AT

SESSION XXIII.—1856.

Resolution asking United States Agent to obtain certain information, &c.

SEC. 4.—*Be it resolved by General Council of the Choctaw Nation assembled, That the United States Agent, Gen. Douglas H. Cooper, be and he is hereby respectfully requested to obtain the following information, as accurately as may be in his power, and furnish the same to the delegation of the Nation at Washington City :*

*First,* The number of Choctaws remaining east of the Mississippi River, and the number, or probable number thereof, who have once emigrated to the Nation and afterwards returned east.

*Second,* The extent of the claims to cattle, under the 16th article of the treaty of 1830, that have never been liquidated and paid by the United States.

*Third,* The exact amount of the claims of self-emigrant Choctaws, under the treaty of 1830, to commutation for removal and subsistence, that have never been liquidated and paid by the Government of the United States.

Approved November 10, 1856.

**AN ACT directing Chiefs to assess a tax on licensed traders.**

SEC. 5.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Chiefs of this Nation, within their respective districts, shall assess a moderate tax, or annual compensation, upon all licensed traders therein, for land and timber used by them, and submit the same to the United States Agent for his approval.

2. *Be it further enacted*, That the annual compensation thus collected from the licensed traders shall be placed subject to the control of the General Council.

Approved November 10, 1856.

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**AN ACT requiring persons to record description of brands and marks, and penalty for failure.**

SEC 6.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all persons and guardians of minor children having a brand or mark, or both, shall furnish the clerk of the county in which they reside a true statement of the same, to be recorded by said clerk. And all persons or guardians refusing or neglecting to do so, within six months after the passage of this act, shall be fined five dollars by the judge of the county in which such offender may reside, which fine shall be collected by the light-horse men by order of the judge imposing the fine.

2. *Be it further enacted*, That each and every person and guardian, upon having their mark or brand recorded, shall pay twelve and a half cents therefor, which sum shall be equally divided between the district clerk and the clerk of the county who first recorded the same.

3. *Be it further enacted*, That should there be any change or alteration in the mark or brand, or any new mark or brand adopted by any one, he or she shall inform the clerk of their county of the same, and have the same recorded in the man-



ner above provided, for which he shall pay the same amount, and the same division thereof shall be made as in the first instance. But should any person refuse or neglect to furnish the clerk with such change or alteration, within six months, they shall be subject to a fine of five dollars, to be imposed and collected in the manner by this act provided.

4. *Be it further enacted*, That all such fines, when collected, shall be deposited in the district treasury for district purposes.

5. *Be it further enacted*, That each county clerk shall furnish the district clerk, in their respective districts, with a true copy of all the marks and brands upon their records, to be recorded by him, and each district shall furnish the county and district clerk with blank books for that purpose.

6. *Be it further enacted*, That in case of failure by any person to furnish the clerk with the description of his or her mark or brand, within the time specified in the above act, from sickness or other lawful excuse, such person shall be exempt from paying any fine.

Approved November 11, 1856.

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RESOLUTION requesting United States Agent to ascertain the number of Choctaws before emigration in 1831.

SEC. 10.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the United States Agent, Gen. D. H. Cooper, be respectfully requested to ascertain, so far as it may be practicable, the whole number of Choctaws east of the Mississippi river, in the year 1831, prior to the commencement of the first emigration, and to report the same to the delegations at Washington City.

Approved November 12, 1856.

AN ACT providing for the pay of Commissioners of orphan claims.

SEC. 11.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the sum of nine hundred dollars be set apart, out of the orphan funds of six thousand dollars, in the hands of the agent, for the payment of Robert M. Jones, Cornelius McCurtain, and George Hudson, who served as commissioners three years investigating orphan claims.

Approved, November 12, 1856.

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AN ACT changing election precincts in Cedar County.

SEC 12.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That from and after the passage of this act, so much of the law directing elections to be held in Cedar County, near Hocha's place, be repealed, and that the elections be held at Lukfapa Meeting Ground in said county.

Approved November 12, 1856.

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RESOLUTION repealing a resolution directing the removal of John Johnston out of the Nation.

SEC. 13.—*Be it resolved by the General Council of the Choctaw Nation assembled,* That the resolution passed at the 22d session, and approved 8th November, 1855, requiring the removal of John Johnston, and his property, from the Nation. be repealed.

Approved November 12, 1856.

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AN ACT making an appropriation for new buildings at Armstrong Academy.

SEC. 14.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the sum of four thousand dollars be appropriated out of the interest fund arising under the treaty of 1855, for the fiscal year ending June 22, 1857, which was appropriated at the last session of Congress, for the purpose of erecting new buildings at Armstrong academy. .

Approved, November 12, 1856.

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AN ACT appropriating money to pay Commissioners of orphan claims for their services, and asking Congress to give Choctaws the unclaimed fund for an orphan asylum.

SEC. 15.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of nine hundred dollars be and the same is hereby appropriated out of any National funds not otherwise appropriated, for the purpose of paying the commissioners who investigated and reported the list of orphan Choctaws and their legal representatives, entitled to interest on Choctaw orphan reservations, under the 19th act of the treaty of 1830; and the National auditor is hereby empowered to issue his warrant for the same.

2. *Be it further enacted*, That the delegation appointed to settle Choctaw business with the United States, be and they are hereby required to apply to the Congress of the United States to pass an act appropriating the balance of the interest due orphan Choctaws, which may from time to time remain in the hands of the United States agent for the Choctaws, on account of such orphan claims as are or may be claimed, and to which no legal claimants can be identified, for an orphan asylum and school, after paying back to the Nation the sum of \$900, appropriated in Section 1 of this act, and authorizing said unclaimed balance to be turned over from time to time to the treasurer of the Nation, for the purpose specified in this act.

Approved, November 12, 1856.

AN ACT in relation to new buildings at Armstrong Academy.

SEC. 17.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the school trustees of Pushmataha district and the superintendent of Armstrong Academy, be and they are hereby authorized to employ mechanics, and do all and everything necessary to be done in erecting and completing the new building intended for said academy; the said building to be upon such plan, and made of such materials, as will be most suitable and durable.

Approved November 12, 1856.

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AN ACT giving greater privileges to the Catawbas heretofore Naturalized.

SEC. 18.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Catawbas who were made citizens of this Nation by a special act of Session XX., Section 11, of 1853, be and they are hereby jointly entitled to a full participation in all funds arising under the treaty of 1855, between the Choctaws and the Government of the United States.

Approved November 12, 1856.

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AN ACT legitimatizing the children of William and Jane Guy.

SEC. 21.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, Eliza Jane, Serena Josephine, William Malcom, Mary Angeline, James Henry Harris, Lucinda, and Douglas Jackson Guy, children of William Guy, are and they are hereby declared to be the lawful heirs of Jane Guy deceased, and William Guy, of Blue County, Pushmataha district of the Choctaw Nation.

Approved November 12, 1856.



AN ACT entitled an act to change the names and declare legitimate certain persons therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the names of William Worth Moncrief, Franklin Pierce Moncrief and Douglas H. Cooper Moncrief—illegitimate children of John Johnston, senior, and Mary Ann Moncrief—be changed, each and severally, to William Worth Johnston, Franklin Pierce Johnston, and Douglas H. Cooper Johnston, and that they be declared the legitimate children of said John Johnston, senior, and shall be entitled to all the rights as heirs-at-law of said John Johnston, senior, in the same manner, and to the same extent, as if they had been born in wedlock ; *Provided*, that this act shall not be so construed as to confer any right, privilege or immunity in this Nation, of any kind whatever, upon the said John Johnston, senior.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 4, 1857.

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AN ACT entitled an act providing for and directing the manner of taking the census of the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That an enumeration of the inhabitants of this Nation shall be taken on the first day of January, one thousand eight hundred and fifty eight, and at the end of every six years thereafter.

SEC. 2.—*Be it further enacted*, That the census or enumeration of the inhabitants of this Nation shall be taken by the sheriffs of their respective counties.

SEC. 3.—*Be it further enacted*, That each sheriff shall commence taking such enumeration, on the first day of January

in each year in which the census or enumeration is required to be taken, and shall make his return to the National Secretary, on or before the first day of April in every such year, which census shall be in the following form:

COUNTY		NAMES.
of		
Indian Males.		Under ten years of age . . . . .
		Over ten and under eighteen . . . . .
		Over eighteen and under twenty-one . . . . .
		Over twenty-one and under forty-five . . . . .
		Over forty-five . . . . .
Indian Females.		Under sixteen years . . . . .
		Over sixteen years . . . . .
Persons of color.		Males . . . . .
		Females . . . . .
Acres of land in cultivation.		Cotton . . . . .
		Grain . . . . .
Production.		Bales of cotton . . . . .
		Bushels of corn . . . . .
		Bushels of wheat . . . . .
		Bushels of oats . . . . .
Number of animals raised.		Horses, mares and colts . . . . .
		Mules . . . . .
		Jacks and jennies . . . . .
		Cattle of all kinds . . . . .
		Hogs of all kinds . . . . .
		Sheep . . . . .
White Persons.		White citizens with native wives . . . . .
		White persons with license and families . . . . .
		White persons not licensed . . . . .

SEC. 4.—*Be it further enacted*, That the sheriff shall carry out an aggregate of each description of persons, acres of land in cultivation, production, and of animals raised, and the total of the whole.

SEC. 5.—*Be it further enacted*, That the several sheriffs may transmit their returns of the census by mail to the National Secretary. Such sheriff shall endorse on the outside of the cover of such return his name, office and the word "census."

SEC. 6.—*Be it further enacted*, That each sheriff shall receive, in full compensation for taking the census of his county, the following compensation, to be paid out of the National Treasury:

For all individuals contained in the census return of his county, under one thousand, three cents each; all over one thousand and not exceeding two thousand, two and one-half cents each; all over two thousand, and not exceeding three thousand, two cents each; all over three thousand and not exceeding four thousand, one cent each. And it shall be lawful for the National Auditor to enter to the credit of any sheriff on his books the amount which shall be due him for taking the census, and upon demand to issue his warrant on the treasury therefor.

SEC. 7.—*Be it further enacted*, That the census shall be taken by the actual inquiry of the sheriff at every dwelling-house, or by personal inquiry of the head of every family in their respective counties.

SEC. 8.—*Be it further enacted*, It shall be the duty of the National Secretary to notify all sheriffs who have failed to file in his office, on or before the first day of April in each year in which the census is required to be taken, the census of their counties, to file their census returns the first day of May then following.

SEC. 9.—*Be it further enacted*, That every such delinquent sheriff who shall be so notified, shall, if he file his census return after the first day of April and before the first day of

May, be permitted to do so, but five dollars shall be deducted from the sum due him for taking the census, by the National Auditor when settlement is made.

SEC. 10.—*Be it further enacted*, That it shall be the duty of the National Secretary to make out a list of all delinquents Sheriffs who have not filed their census return by the first day of May, and hand the same to the Governor, who is hereby required to vacate the commission of such defaulting Sheriffs, and the National Secretary shall certify the same to the President of the Board of Police for such counties, who shall order an election to supply the vacancy, according to law.

SEC. 11.—*Be it further enacted*, That the sheriff of each county shall, after the census return is completed by him, make out and file a correct copy of the same in the Probate Clerk's office of his county, for the use of said county, and shall receive for such copy five dollars, to be paid out of the county treasury, upon an order of the Board of Police of such county.

SEC. 12.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, November 4, 1857.

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AN ACT entitled an act repealing two acts formerly passed, and making special appropriations for the erection and completion of new buildings at Armstrong Academy.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That an act heretofore passed, and approved, on the 12th day of November, A. D. 1856, appropriating four thousand dollars, out of the interest fund, under the treaty of 1855, for the fiscal year ending June 22d, 1856,



for the purpose of erecting new buildings at Armstrong Academy, be and the same is hereby repealed.

SEC. 2.—*Be it further enacted*, That the act heretofore passed, and approved, on the 28th day of October, A. D. 1857, appropriating four thousand one hundred and twenty-one dollars, out of any money not otherwise appropriated, for the purpose of completing the new buildings at Armstrong Academy, be and the same is hereby repealed.

SEC. 3.—*Be it further enacted*, That the sum of six thousand dollars, be and the same is hereby appropriated, to be paid out of the interest due by the United States Government, on the sum of five hundred thousand dollars, arising under the treaty of 1855, and funded in the hands of the United States Government, and due 22d day of June, 1857, for the purpose of erecting new buildings at Armstrong Academy, and the National Auditor is hereby directed to issue his warrant for the same, upon obtaining the receipt of Robert W. Nail, school trustee for Pushmataha District, and William R. Baker, Superintendent of Armstrong Academy, as the building committee; and the National Treasurer is hereby directed to pay the same, out of said funds, when the same comes into his hands.

SEC. 4.—*Be it further enacted*, That the further sum of two thousand one hundred and twenty-one dollars, be and the same is hereby appropriated, to be paid out of the interest arising on the trust fund of five hundred thousand dollars, created under the treaty of 1855, funded in the hands of the United States Government, due on the 22d day of June, 1858, for the purpose of completing the new buildings, in progress of erection, at Armstrong Academy; and the National Auditor is hereby directed to issue his warrant for the same, upon obtaining the receipt therefor, of Robert W. Nail, school trustee of Pushmataha District, and Wm. R. Baker, superintendent of Armstrong Academy, as the build-

ing committee ; and the National Treasurer is hereby directed to pay the same, when that fund comes into his hands.

Approved, November 2, 1857.

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AN ACT entitled an act appropriating certain sums of money for certain purposes therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sums of money, hereinafter named, and for the purposes more particularly specified, be and the same are hereby appropriated, to be paid of any moneys in the National Treasury, not otherwise appropriated, to the persons respectively, entitled to receive the same, upon presentation of their accounts to the National Auditor, who is hereby directed to issue his warrants on the National Treasury, for said sums of money, respectively, to wit :

The sum of two hundred and sixty-eight dollars and forty-eight cents (\$268 48-100) due the District Treasurer of Pushamataha District, for a deficit in the expenditures, in said District.

The sum of four thousand eight hundred and thirty-seven dollars and sixty-six cents (\$4,837 66-100) due the District Treasurer of Moshulatubbee District, being the deficit in the expenditures in said District.

The sum of three hundred and twenty-four dollars and ninety-four and two-third cents (\$324 94-100 2-3) due Peter Folsom, for balance due on his salary, as chief of Moshulatubbee District, up to the fifth day of October, 1857.

The sum of two thousand dollars (\$2,000), as an advance to P. P. Pitchlynn, one of the Choctaw delegation, at Washington City, for personal expenses.

The sum of two thousand dollars (\$2,000), as an advance to Samuel Garland, one of the Choctaw delegation, at Washington City, for personal expenses.

The sum of two thousand dollars (\$2,000), as an advance

to Israel Folsom, one of the Choctaw delegation, at Washington City, for personal expenses.

The sum of two thousand dollars (\$2,000), as an advance to such person as the Governor may appoint, to fill the vacancy in the Choctaw delegation, to be paid upon his special order, to the National Auditor.

To Tandy Walker, for his services as President of the Convention of Skullyville, in ordering elections, receiving returns, and issuing certificates to officers elected, as directed in the schedule to the Constitution, fifty dollars (\$50).

To George W. Harkins, for three months' services, from July to October, 1857, as Chief of Apuckshunnubbee district, the sum of one hundred and twenty-five dollars (\$125).

To Pistambe, for three months, from July to October, 1857, as Speaker, Apuckshunnubbee district, the sum of twelve dollars and fifty cents (\$12 50).

To Nicholas Cochenauer, for three months' services, from July to October, 1857, as Chief of Pushamataha district, the sum of one hundred and twenty-five dollars (\$125.)

To David McCoy, for three months' services, from July to October, 1857, as Speaker of Moshulatubbee district, the sum of twelve dollars and fifty cents (\$12 50).

To Adam Christy, for three months' services, from July to October, 1857, as Speaker of Moshulatubbee district, the sum of twelve dollars, and fifty cents (\$12 50).

Approved November 4, 1857.

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AN ACT entitled an act placing a certain sum in the hands of the Governor for contingent purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two thousand dollars, of any money in the treasury of the Nation, not otherwise appropriated, be placed in the hands of the Governor, as a con-

tingent fund, to be used by him for such purely national purposes as he may deem proper, and that the National Auditor be hereby directed to issue his warrant therefor, upon presentation of the Governor's written order, and that the National Treasurer be hereby directed to pay said sums of money.

Approved October 14, 1857.

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AN ACT entitled an act fixing pay of Trustees of Public Schools.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the trustees of the public schools of this Nation shall each be entitled to receive, as a compensation for their services, the sum of two hundred dollars for each and every year, to be paid quarterly, out of any funds not otherwise appropriated, belonging to this Nation, and on application of either or any of the trustees, the auditor shall issue his warrant to the national treasurer, who shall pay the same.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 3, 1857.

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RESOLUTION authorizing J. E. Dwight and Jacob Folsom to translate the laws.

*Resolved by the General Council of the Choctaw Nation assembled*, That J. E. Dwight and Jacob Folsom be continued in the employment of the Nation, as translators of the laws, and be directed to complete the same as soon as convenient,



and that they be allowed for such services the sum of three dollars per day, for every day so employed, to be paid out of the National treasury, upon presentation of their accounts, with the statement, in writing, of the Governor, that the work has been completed, to the National Auditor, who is hereby directed to issue his warrant for the same ; *Provided*, such allowance, to each of said translators, do not exceed thirty days' service.

Approved, November 4, 1857.

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RESOLUTION directing Choctaw Delegation to return to Washington City.

*Resolved by the General Council of the Choctaw Nation assembled*, That the delegates of the Choctaw Nation who have in charge the business and interests of the Nation, arising under the treaty of Washington, of June 22d, 1855, now pending, unsettled, before the United States Government, be instructed to proceed to Washington City as soon as practicable ; and that full power is given them, or any of them, to urge a speedy conclusion of all matters of unsettled business arising under the treaty aforesaid, and make due report of any progress or final conclusion thereof to the General Council.

*Resolved further*, That this resolution take effect, and be in force from and after its passage.

Approved November 4, 1857.

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RESOLUTION requesting the Governor to have the Acts of this Session printed.

*Resolved by the General Council of the Choctaw Nation assembled*, That the Governor be requested to have the acts and resolutions passed at the present session of the General Council printed in pamphlet form, in both the English and Choctaw languages, if practicable, if not, in the English alone,

at as early a day as possible and upon the receipt of a sufficient number of copies, to order the distribution of them as directed by law.

Approved November 4, 1857.

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### Resolution declaring what laws are in force.

*Be it resolved by the General Council of the Choctaw Nation assembled,* That all laws heretofore passed, by act or resolution, and not repealed by express statute or legitimate implication, at any session of the General Council, are hereby declared to be, and shall remain in full force and effect until changed, modified, superseded or abrogated by act of the General Council.

Approved November 4, 1857.

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AN ACT entitled an act to prevent the introduction and use of intoxicating liquors in the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That it shall not be lawful for any person or persons to introduce, or cause to be introduced, for their own use, or to sell, give or barter, any vinous, spirituous, or intoxicating liquors, to any person or persons within the limits of this Nation in any quantity whatever, (except wines, which may be introduced by a member of any church for sacramental uses), and such offence shall be subject to prosecution, by indictment and punishment upon conviction, according to the following provisions :

SEC. 2.—*Be it further enacted,* That such person or persons so offending or violating the provisions of this act, upon conviction thereof before the Circuit Court, having jurisdiction of the same, shall forfeit and pay a sum of not less than ten dollars, nor more than one hundred dollars for each and

every offence ; and, in default of payment of any such fine, he, she, or they, shall be imprisoned for a term of not less than one month, nor more than three months, at the discretion of the court.

SEC. 3.—*Be it further enacted*, That any person or persons within the limits of this Nation, found with any liquors specified by this act in their possession, shall be deemed guilty, upon full proof of such possession, in like manner, as if they had introduced the same, and shall be punished according to the provisions of the preceding section of this act, unless his or her innocence of such charge be satisfactorily proven to the court.

SEC. 4.—*Be it further enacted*, That it shall be the duty of the circuit judges of this Nation to give this act in charge to the Grand Jury of each county thereof, who shall make diligent inquiry concerning any and all violations of this act ; and it shall be their duty, when they have reasons to suspect or believe that a violation of this act has taken place, to have a *subpoena* \* issued for such person or persons as they believe can give information upon the subject, and such witnesses, when summoned and appear, shall give evidence of every offence against the provisions of this act that may have come to his or her knowledge, without any special inquiry directed thereto.

SEC. 5.—*Be it further enacted*, The Circuit Judges shall direct the clerks, upon application of the District Attorneys or the Grand Juries, to issue *subpoenas* for each and every Justice of the Peace and Constable within each county, to testify before the Grand Juries as to violations of this act, which subpoena the Sheriff shall execute and return, or have the same executed and returned by a deputy, or deputies ; and in case any witness so summoned shall fail, or refuse to appear and testify, such witness shall suffer a penalty of ten

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\* See Note at the end of this book.

dollars for each offence, to be collected by execution, unless by a *scire facias*,\* such witness shall be able to give sufficient excuse for such non-appearance, or such refusal to testify.

SEC. 6.—*Be it further enacted*, For every conviction under this act, the District Attorney shall be entitled to a fee of five dollars, to be paid by the person convicted, and on failure to pay said sum, execution shall issue therefor, with the costs of prosecution.

SEC. 7.—*Be it further enacted*, The sheriff, light-horse men and constables of each and every county of this Nation, are hereby authorized, upon suspicion, without warrant for the purpose, forcibly to enter all places, search for and seize, break and destroy all bottles, barrels, jugs, or any and every vessel of any description whatever, containing any liquors specified by this act, and shall arrest and convey before the nearest Justice of the Peace the person or persons in whose possession such liquors may be found, which Justice of the Peace shall bind such person or persons after proper and satisfactory showing to appear at the next term of the Circuit Court of his county, when he shall report the same to the court and Grand Jury; and for the hearing of each one of such cases, the Justice of the Peace shall be entitled to receive one dollar, and the sheriff, light-horse men or constable two dollars, to be recovered upon conviction from the offender, and upon his failure to pay the same, it shall be recovered by execution, with the costs of prosecution.

SEC. 8.—*Be it further enacted*, That should any person or persons refuse to have his or her whisky or other intoxicating liquors destroyed by taking up arms, and should any one of the sheriffs, light-horse men or constables, or deputies, in self-defence, kill or destroy the life of the person or persons having whisky, or any intoxicating liquors, he shall be protected by the laws of this Nation.

But should any offender kill or destroy the life of any per-

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\* See Note at the end of this book.



son or persons authorized by this act, to destroy all whisky, or other intoxicating liquors, such person shall suffer death. But should the offender only destroy, or injure the property or limbs of any of the above-mentioned officers, he or she shall be liable to a fine or punishment, to be determined by the Circuit Court of the county wherein such offence may be committed.

SEC. 9.—*Be it further enacted,* That if any person or persons shall give or barter any vinous, spirituous or intoxicating liquors, to any person or persons within the limits of this Nation, and any person thereby be maimed or injured, such person who sold, give, or bartered the same, shall be liable to an action in court, and on conviction, shall be made to pay a fine of not less than five, nor exceeding one hundred dollars, to the person so maimed or injured, and upon failure to pay the said sum, execution shall issue therefor, with the costs of prosecution.

SEC. 10.—*Be it further enacted,* All fines collected from convictions, had, under the preceding sections of this act, shall be paid into the treasury of the county wherein the offence was committed, to be expended for such purposes as the Board of Police thereof may direct.

SEC. 11. *Be it further enacted,* That all laws heretofore passed, prohibiting the introduction, sale, &c., of whisky, or other intoxicating liquors, shall remain in full force until sixty days after the passage of this act, and no longer, and that this act take effect and be in force from and after its passage.

Approved October 26, 1857.

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AN ACT entitled an act establishing the fees of certain officers therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That it shall be lawful for the Clerks of the

Circuit Courts, Clerks of the Probate Courts, Sheriffs, Constables, Judges of Probate and Justices of the Peace respectively, to demand, receive, and take the several fees hereinafter mentioned, and allowed for any business by them respectively done, by virtue of their several offices and no more ; that is to say :

#### TO CLERKS OF THE CIRCUIT COURT IN CIVIL CASES.

For each writ other than those hereinafter mentioned, seventy-five cents ; docketing each case (to be charged but once), twelve and a half cents ; filing all papers in each case, twenty-five cents ; entering its appearance, twelve and a half cents ; entering each motion, rule of order, twelve and a half cents ; declaration in ejectment, one dollar ; entering non-suit, discontinuance or *nolle prosequi*,\* twelve and a half cents ; swearing each witness, six and a fourth cents ; entering each continuance, twelve and a half cents ; *venire facias*,† in every case tried by a jury, twelve and a half cents ; *scire facias* (except against jurors where excused), one dollar ; swearing and impaneling every jury, twelve and a half cents ; receiving and entering verdict, twelve and a half cents ; entering each judgment in court, twenty-five cents ; each subpoena, for one witness, twenty-five cents ; and for every other name inserted, six and a fourth cents ; entering surrender of principal by bail, twenty-five cents ; commission to take deposition, fifty cents ; copies thereof, for every hundred words, ten cents ; taking a recognizance, fifty cents ; each execution, fifty cents ; for certificate to witnesses, each to be taxed on the bill of costs, twelve and a half cents ; each separate certificate (except to jurors), twenty-five cents.

#### IN CRIMINAL CASES.

For entering pending indictments, or filing information,

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\* See note at the end of this book.

† Ibid.

twenty-five cents ; each writ, other than hereinafter named, fifty cents ; arraigning prisoner and entering plea, fifty cents ; taking recognizance, fifty cents ; swearing and impanneling every jury, twenty-five cents ; entering judgment or verdict, each twenty-five cents ; swearing every witness, six and a fourth cents ; each subpoena, with one name, twenty-five cents ; and for every other name inserted, six and a fourth cents ; each motion, or order, twelve and a half cents ; *venire facias*, in each cause tried, fifty cents ; all copies, each one hundred words, ten cents ; each certificate, twenty-five cents. For all public services, not herein particularly provided for, the clerks shall, at each term, exhibit a detailed fee bill, to be examined by the District Attorney, previous to allowance by the Court, and the Court is hereby authorized to allow the same, not exceeding ten dollars, to be paid out of the County Treasury.

#### TO CLERKS OF THE PROBATE COURT.

For like services by them performed, the same fees as are by law allowed to the Clerks of the Circuit Courts :

For recording each deed, bill of sale or other conveyance, for each hundred words, ten cents ; certifying the official acts of a Justice of the Peace or other certificate with seal, fifty cents ; registering the probate of any will or testament and for letters testamentary thereon, one dollar ; recording a will, testament or codicil, for every hundred words, ten cents ; administering oath to executors, administrators, collectors or guardians, taking bond and recording the same, one dollar ; letters of administration, collection or guardianship and order granting the same, one dollar ; order, appointing appraisers of an estate and copy, fifty cents ; ordering an inventory appraisement for executors, administrators, collectors or guardians' account, for every hundred words, ten cents ; recording certificate of marriage, fifty cents ; recording and filing officers' bonds, one dollar.

## TO THE SHERIFFS.

For executing the process, judgment or decrees of a Circuit Court and for similar services in other courts :

For copying execution, one dollar ; entering each writ in his office, twenty-five cents ; returning execution, twenty-five cents ; each bail bond or recognizance, fifty cents ; summoning each witness, fifty cents ; for making deed to purchaser, two dollars ; each days' attendance on Probate Court, two dollars ; attending prisoner on habeas corpus, each day, in vacation, two dollars ; each commitment or release, one dollar ; feeding a prisoner, each day, forty cents ; serving a declaration in ejectment and copy thereof, one dollar ; taking bonds of every kind, each, fifty cents ; executing death warrant, to be paid out of the National Treasury, five dollars ; removing a prisoner, every mile going and returning, ten cents ; impanneling a jury in each cause where a jury is sworn, twenty-five cents ; collecting moneys by virtue of an execution, for the first one hundred dollars, three per cent., for all sums above one hundred dollars, and not exceeding two hundred dollars, two per cent., and for every one hundred dollars over in said execution, one and one half per cent. ; whipping person by order of court, two dollars ; serving an attachment for contempt and returning the same, one dollar ; summoning a special jury, two dollars ; for impanneling grand juries, advertising and attending elections, serving all public orders of courts in his county, and for all other public services not otherwise provided for, a sum not exceeding twenty dollars for each year, to be allowed by the Circuit Courts, and paid out of the County Treasury ; *Provided*, That no fees shall be allowed for service of *scire facias* against a defaulting juror, if not fined by the court ; for executing all process, orders, and citations of Probate Court, the same fees as are allowed for similar services in a Circuit Court of law.



## IN THE SUPREME COURT.

For an arrest, one dollar ; docketing process and return thereof, twenty-five cents ; serving *scire facias* or summons, fifty cents. For all other services required by the Sheriff in the Supreme Court, the fees shall be the same as are allowed for similar services in the Circuit Courts.

## TO JUDGES OF PROBATES.

For examining, reporting and stating each account of an executor, administrator, collector or guardian, for the first sheet, one dollar ; every sheet more than one contained in each account, fifty cents ; each order for advertising, issuing citations or other notice or process, fifty cents ; each order for the appointment of commissioners or the representation of an estate being insolvent, one dollar ; apportionment of an insolvent estate among creditors, one dollar and fifty cents ; granting letters testamentary, letters of administration or guardianship, seventy-five cents ; examining and allowing each claim against estate of a deceased person, twelve and a half cents.

## TO JUSTICES OF THE PEACE.

For celebrating the rites of matrimony and certificate thereof, two dollars ; each mittemus or recognizance, twenty-five cents ; each warrant in criminal cases, fifty cents ; each subpoena, twenty-five cents ; warrant or summons in civil case, twenty-five cents ; proceeding thereon to judgment, twenty-five cents ; each execution, twenty-five cents ; each appeal with the proceedings, bond, and certificate, one dollar ; each certificate not otherwise provided for, twenty-five cents ; taking deposition, each one hundred words, ten cents ; each affidavit, not otherwise provided for, twelve and a half cents ; issuing commission to take deposition in each cause, twenty-five cents ; taking the proof of any deed, mortgage,

or other instrument of writing, fifty cents; for any and all services as a notary public, in all cases, two dollars.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts heretofore passed, in any manner, coming in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 3, 1857.

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## ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION IN APRIL, 1858.

AN ACT entitled an Act altering and defining the boundaries of Jack's Fork County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the Act passed session 17th, 1850, Sec. 3d, Sub-Sec. 3d, shall be so amended as to read thus:

The Jack's Fork county line shall commence on Muddy Boggy at the mouth of Oskitalaya or Ishtehekubbee's creek, thence up said creek along the Kiamichi county line to the source of Beaver dam; thence down said Beaver dam to Kiamichi stream, thence north and west along the Pushamataha District boundary to where the same crosses the road leading from Fort Smith to Fort Washita; thence along the said road to the Muddy fork or Middle fork of Boggy; thence down said stream to the beginning.

Approved, April 16th, 1858.

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AN ACT entitled an act regulating the manner of constituting Juries and establishing the pay of Jurors.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation*, That from and after the passage of this act, all courts before whom juries are required, may order the Sheriff or other officer to summon a sufficient number of jurors.

SEC. 2.—*Be it further enacted*, From and after the passage of this act, it shall be the duty of the Police Court of each county, at the first term of such court, after the adjournment of the Circuit Court, to make out and cause to be delivered to the Sheriff a list of not less than nineteen, nor more than twenty-two persons, qualified to serve as jurors, and residents of the county for which they are summoned, and it shall be the duty of the Sheriff to summon such jurors at least twenty days before the next term of the Circuit Court to be held in and for the county, to appear on the first day of said term, to serve as grand and petit jurors.

SEC. 3.—*Be it further enacted*, If the term of the Police Court in any county, at which jurors ought to be selected, shall not be held, it shall be the duty of the Sheriff, at least twenty days before the next term of the Circuit Court of said county, to summon not less than nineteen nor more than twenty-two persons qualified to serve as jurors who shall appear at the first day of said court.

SEC. 4.—*Be it further enacted*, That if nineteen of the jurors summoned to serve as jurors, shall not attend on the first day of the Circuit Court, such court shall order the Sheriff, or his deputy, forthwith to summon a sufficient number of persons qualified to serve as jurors, to supply the deficiency.

SEC. 5.—*Be it further enacted*, That every juror shall be a free citizen of the Choctaw Nation, over the age of twenty-one years, resident of the county, and otherwise qualified according to law.

SEC. 6.—*Be it further enacted*, That every juror shall be summoned by the Sheriff or other officer, either personally or by a written notice left at the residence of such juror.

SEC. 7.—*Be it further enacted*, Any grand juror may be indicted by the grand jury of which he is a member, but when

any complaint shall be lodged against a grand juror, the foreman shall inform the Attorney for the district thereof, and if, on examination, there are grounds for proceedings against such juror, he shall inform the court thereof, and the court shall discharge such juror and cause another to be summoned, if necessary.

SEC. 8.—*Be it further enacted*, That from the number of jurors summoned as aforesaid, and attending any Circuit Court, the Clerk of said court and the Sheriff shall draw alternately, by lot, seven persons who shall constitute the grand jury to serve during the term for which they are summoned, who shall be sworn to inquire into and present to the District Attorney all treasons, murders, felonies, or misdemeanors against the laws of this Nation, within their respective counties.

SEC. 9.—*Be it further enacted*, That from the whole number of grand jurors, the court shall appoint a foreman, and a concurrence of five out of seven shall, in every case, be necessary for the indictment of any person for violating the laws of this Nation.

SEC. 10.—*Be it further enacted*, That the grand jurors, when sitting for that purpose, shall have power to summon any person or persons as witnesses, in cases of offences against the laws of this Nation, and the Sheriff, or his deputy, shall be subjected to their orders to cause the attendance of such witnesses.

SEC. 11.—*Be it further enacted*, That the remaining jurors, after the grand jury shall have been constituted as required in this act, shall constitute the petit jury, and shall set for the trial of all cases that may come before the Circuit Court at the time for which they were summoned to attend, under the following rules and regulations, viz : The names of the petit jurors shall be written down, and the clerk shall present the list to the defendant and plaintiff, and each party shall be entitled to three peremptory challenges ; and the court shall order the Sheriff, or his deputy, to summon other suit-



able persons to serve as jurors subject to rejection, by either party, alternately, the defendant having the first right to object; *Provided*, sufficient cause be shown the court for such rejection, and the court shall continue to cause suitable persons to be summoned as jurors until twelve jurors shall be impaneled.

SEC. 12.—*Be it further enacted*, That no person shall serve as a petit juror who is related to either party to a suit within the fourth degree of consanguinity or affinity, unless by the consent of both parties.

SEC. 13.—*Be it further enacted*, That no exception against any juror on account of his citizenship, non-residence, age, or other disability, shall be allowed after the juries are sworn.

SEC. 14.—*Be it further enacted*, That the following oath shall be administered to all petit jurors: "You and each of you do swear that you will well and truly try the issue of the case now before you and a true verdict give according to law and evidence, unless dismissed by the court or withdrawn by either of the parties."

SEC. 15.—*Be it further enacted*, That the service of jurors shall be equalized as nearly as practicable among the citizens liable to be summoned as jurors, and grand jurors shall not be compelled to serve as petit jurors during the same term.

SEC. 16. *Be it further enacted*, That all jurymen summoned according to the provisions of this act, shall be entitled to receive three cents per mile, going to and returning from court, and fifty cents per day, to be paid out of the county treasury, excepting those jurors who shall serve on civil cases, whose fees shall be paid by the party or parties losing the suit, and the same shall be attached to the bill of costs.

SEC. 17.—*Be it further enacted*, That all acts or parts of acts in anywise conflicting with the provisions of this act be and the same are hereby repealed.

Approved 16th April, 1858.

## ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION IN JUNE, 1858.

AN ACT entitled an act to prevent the holding of unlawful Elections and prescribing the penalty therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That any person or persons who shall order or direct, or who may be engaged as judge, clerk, sheriff, or returning officer, or in any other capacity, at any election in the Nation, held by direction of any person other than an officer duly elected, qualified, and so empowered under the present government, or under any law not legally passed by the proper and regularly constituted law-making power of this Nation, or at such times and places as in like manner prescribed, shall upon conviction by indictment, before the Circuit Court, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and also, be imprisoned in the county jail of any county the court may direct, for a term not less than six months nor more than twelve months, at the discretion of the court.

SEC. 2.—*Be it further enacted*, That all fines thus collected shall be paid, one half to the informer and the other half to the proper county for county purposes.

SEC. 3.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, 19th June, 1858.

AN ACT entitled an act to appropriate a certain sum of money for Ishkitini Humma.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of seventeen dollars is hereby appropriated, to be paid to Ishkitini Humma for serving as light-horse man from the 5th day of April to June 7th 1858, out of the National Treasury, and the National Auditor is hereby directed to issue his warrant on the National Treasury for the same.

Approved 19th June, 1858.

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AN ACT entitled an act authorizing the Governor to have the laws translated and printed in the Choctaw language.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the Governor of this Nation is hereby requested and authorized to employ J. E. Dwight, to finish the translation of the laws of 1857, together with the laws of 1858, up to the date of the adjournment of the present session, from the English into the Choctaw language, and to superintend the correction of proofs as the same are printed, and shall allow him as a compensation for such services, the sum of one hundred and fifty dollars; besides his necessary expenses, to be paid out of the Treasury of the Nation, upon his written order, upon the back of said Dwight's account for services and expenses, when the National Auditor shall issue his warrant upon the National Treasurer who is hereby directed to pay the same.

SEC. 2.—*Be it further enacted*, That the Governor is hereby authorized and instructed to have four hundred copies of the Constitution, and all the laws passed from October 1857, to the close of the present session, printed in pamphlet form, in the Choctaw language, as soon as practicable, and is hereby further directed and empowered to pay for the same out of

any funds in the treasury, upon presentation of the account therefor, and the National Auditor is directed to issue his warrant for such sum, and the National Treasurer is directed to pay the same.

SEC. 3.—*Be it further enacted*, That when the Governor, or National Secretary, shall receive said copies of the laws, they are hereby directed to distribute them as heretofore directed by law in such cases.

SEC. 4.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 19th June, 1858.

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AN ACT entitled an act to compensate Theodore Watkins for the use of his house for the meeting of the Senate.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of thirty dollars, be and the same is hereby appropriated, out of any funds not otherwise appropriated, to be paid to Theodore Watkins for the use of his house by the Senate, during the sessions of April and June, 1858, and the Auditor is hereby authorized to issue a warrant for the same.

Approved 19th June, 1858.

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## ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION IN OCTOBER, 1858

Resolution directing the removal of Creek Indians beyond the limits of this Nation.

*Resolved by the General Council of the Choctaw Nation*, That the Governor of the Choctaw Nation be requested to call



upon the United States Agent, Gen. D. H. Cooper, agreeably to the intention of the seventh article of the Treaty of 1855, that he may cause the speedy removal of any Creek Indians settling within the limits of this Nation, without permission from the General Council and embarking in the traffic of spirituous liquors.

Approved 11th October, 1858.

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AN ACT entitled an act conferring citizenship upon certain Beluksha Indians therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the following named individuals with their families, of the Beluksha clan of people, viz. :

Oakchatubbee and seven in his family.

Coochahtubbee and four in his family.

Sockayubbee.

Chuffahtiyubbee and one in the family.

Oaklachukmubbee and one in the family.

Chakta and six in the family.

Watunla and seven in the family.

Ibbafohkatubbee and three in the family.

Tuckchetubbee and four in the family.

Washasha and five in the family.

Toolapasa and one in the family.

Hoyosipokna and five in the family.

Apernik and two in the family.

James and two in the family.

Hulbona and two in the family.

Showita and two in the family.

Noushka and one in the family.

Atochubbee and two in the family.

Yoko and two in the family.

Polohoka, James and six in his family.

Anooksita and five in his family.  
and Atukchia and three in his family.

in all ninety-four souls, be and the same are hereby admitted to all the rights, privileges, immunities, and franchises as Choctaw citizens, in as full a manner as it is in the power of the General Council of the Choctaw Nation to confer the same.

Approved 12th October, 1858.

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RESOLUTION denying the petition of Jno. M. Wilson and others asking certain privileges.

*Resolved by the General Council of the Choctaw Nation, That the petition of John M. Wilson, Wm. M. Floyd, and John S. Houston asking the privilege of colonizing the "leased territory," having been duly considered, it is declared hereby to be impolitic to give any assurance or encouragement to the petitioners and respectfully request the Governor of this Nation to inform the said petitioners that the General Council deem it inexpedient to grant their request.*

Approved 13th October, 1858.

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AN ACT entitled an act directing payment to Joseph Smedley of a certain sum of money.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation, That the sum of \$166,50 with interest, \$159,84—total \$326,34, be and the same is hereby appropriated, out of any moneys in the Treasury of the Nation, not otherwise appropriated, as arrearages due Joseph Smedley, as teacher of the District School in Musholatubbee District, provided for under the Treaty of Dancing Rabbit Creek.*

Approved 15th October, 1858.

AN ACT entitled an act appropriating certain money for the benefit of the heirs of John Lewis, deceased.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of one thousand dollars, be and the same are hereby set apart and appropriated, out of any money in the Treasury of the Nation, not otherwise appropriated, for the benefit of the heirs of John Lewis, deceased, in full compensation to said heirs, for a negro woman and child, illegally taken from said Lewis in his lifetime, by authority of George Folsom, then chief of Pushamataha District, and that the National Auditor be hereby directed to issue his warrant therefor, upon presentation of the Governor's written order, and that the Treasurer is hereby directed to pay the same.

Approved, 21st October 1858.

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AN ACT entitled an act appropriating a certain sum of money for the purpose of aiding Thomas J. Bond to discharge obligations incurred by him in the pursuit of a medical education.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the Superintendent of Trustees, be and is hereby authorized and required to draw the sum of Five Hundred Dollars out of the interest accruing from the sum of \$98,379,79, invested for the support of forty youths in the States, and to pay the same to Thos. J. Bond, for the purpose of enabling him to discharge obligations incurred by him in the pursuit of his medical education.

Approved, 22d October, 1858.

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REPORT of Special Committee of the Council and accompanying act entitled an act appropriating certain sums of money to the Delegation to Washington City.

Your committee to whom was referred the petition of S.

Garland, one of the delegates to Washington, asking the Council to appropriate any surplus money remaining in the Treasury of the Nation, not otherwise appropriated, after meeting the expenditures of the ensuing fiscal year, in order to enable the delegation to prosecute the claims of the Nation at Washington, have taken the same under deliberation and beg leave to report, that as it is very important that our delegates should proceed to Washington, at as early a day as possible, to be there at the meeting of Congress, to press the claims of the Nation. We would therefore, respectfully recommend, that the Council set apart from the National funds, for that object, the sum of eleven thousand dollars, as an advance made the Delegates by the Nation, say two thousand dollars each to P. P. Pitchlynn, P. Folsom and Israel Folsom, and five thousand dollars to S. Garland, to enable him to settle with Mr. Thompson McKinney; the said McKinney thereby forever releasing the Nation from any further claim on his part for attending to arrearages of annuities; and would recommend the passage by the General Council of the following bill, viz :

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of eleven thousand dollars, viz : two thousand dollars to P. P. Pitchlynn, two thousand dollars to Israel Folsom, two thousand dollars to P. Folsom, and five thousand dollars to S. Garland, to enable him to settle with McKinney, be set apart and appropriated out of any money in the National Treasury not otherwise appropriated, for personal expenses whilst at Washington, as delegates prosecuting the claims of the Nation, and upon presentation of their accounts to the National Auditor he is hereby directed to issue his warrants on the National Treasury for said sums of money.

Approved, 22d October, 1858.



**AN ACT** entitled an act to define the crime of kidnapping and declaring the penalty therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That every person who shall without lawful authority, forcibly seize and confine any other, or shall inveigle or kidnap any other, with intent either to cause such other person to be secretly confined or imprisoned in this Nation, against his will, or to cause such other person to be sent out of this Nation against his or her will; or to cause such other person to be sold as a slave, or to be deprived of his liberty, or in any way held to service against his or her will, shall upon conviction, be punished by being branded with the letter T. on the forehead and receive one hundred lashes well laid on the bare back.

SEC. 2.—*Be it further enacted*, That every offence prohibited in the last section may be tried either in the county where the same may have been committed or in any county into, or through which, any person so kidnapped or confined, shall have been taken while under such confinement.

SEC. 3.—*Be it further enacted*, That upon the trial of any such offence, the consent of the person so kidnapped or confined, shall not be a defence unless it appear satisfactorily to the jury that such consent was not extorted by threats or duress.

SEC. 4.—*Be it further enacted*, That all acts or parts of acts heretofore passed coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved 23d October, 1858.

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**AN ACT** entitled an act declaring the punishment for cruelty to live stock and injury and destruction of property.

SEC 1.—*Be it enacted by the General Council of the Choctaw*

*Nation*, That any person who shall maliciously, either out of a spirit of revenge, or wanton cruelty, or who shall mischievously, kill, maim, or wound any horse, mare, gelding, mule, sheep, cattle, hog, poultry, or other live stock, or cause any person to do the same, shall be fined in any sum not less than fifty dollars and receive thirty-nine lashes well laid on the bare back.

SEC. 2.—*Be it further enacted*, That every person who shall maliciously or mischievously destroy, disfigure, or injure, or cause to be destroyed or injured, any property of another, either personal or tenements, shall be deemed guilty of malicious mischief, and upon conviction thereof shall be fined in a sum two-fold the value of the property destroyed or the damage done and receive thirty-nine lashes well laid on the bare back.

SEC. 3.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and this act shall take effect from and after its passage.

Approved 23d October, 1858.

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AN ACT entitled an act to appropriate certain moneys for the support of neighborhood schools in Apukshunubbee District.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of twenty-five hundred dollars, be and the same is hereby appropriated, out of the National Fund for the support of neighborhood and Sunday schools, in Apuckshunubbee District, Choctaw Nation.

SEC. 2.—*Be it further enacted*, That the National Auditor of the Choctaw Nation, be and he is hereby required to issue his warrant on the National Treasurer of the Choctaw Nation, in favor of the Trustee for schools for said District, for the aforementioned sum of twenty-five hundred dollars.

SEC. 3.—*Be it further enacted*, That the Trustee of schools for Apuckshunubbee District, be and he is hereby required to present to the next General Council a full report of the mode and manner of disbursement of the aforementioned sum and the state of the schools under his care.

SEC. 4.—*Be it further enacted*, That no portion of the amount appropriated under this act shall be used for any other purpose than the support of neighborhood and Sunday schools within and for the District aforesaid.

SEC. 5.—*Be it further enacted*, That the foregoing act shall be in force from and after its passage.

Approved 23d October, 1858.

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AN ACT entitled an act to amend Section seventeen of an act passed at Session sixteen.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the act passed Session sixteen, Section seventeen be amended as to read thus: That John McGilbery, Lipscomb McGilbery, Betty McGilbery, Susan McGilbery, Betsey McGilbery, John McGilbery, Jr., of the Creek Nation, are hereby allowed citizenship in as full a manner as it is in the power of the General Council to confer the same.

Approved 21st October, 1858.

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AN ACT entitled an act to define the crimes of treason and murder and declaring the punishment therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That levying war against this Nation or adhering to its enemies giving them aid and comfort, shall be deemed and adjudged treason against this Nation, and shall be punished with death upon conviction thereof.



SEC. 2.—*Be it further enacted*, That no person shall be convicted of treason against this Nation unless upon the testimony of two witnesses to the same overt act or on his own confession in open court.

SEC. 3.—*Be it further enacted*, That the killing of a human being without the authority of law, by any means, or in any manner, shall be murder in the following cases :—

When done with deliberate design to effect the death of the person killed or of any human being.

When done in the commission of an act eminently dangerous to others, and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual.

When done without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, arson, or robbery, or in an attempt to commit such felonies.

SEC. 4.—*Be it further enacted*, That every person who shall be convicted of murder, shall suffer death.

SEC. 5.—*Be it further enacted*, That the killing of a human being, by the act, procurement, or admission of another, shall be justifiable in the following cases :—

When committed by public officers, or those acting by their command, in their aid and assistance, in obedience to any judgment of a competent court ; or,

When necessarily committed in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty ; or,

When necessarily committed in retaking any felon who has been rescued, or has escaped ; or,

When necessarily committed in arresting any felon fleeing from justice.

Such homicide or murder shall also be justifiable when committed by any person :

In resisting any attempt unlawfully to kill such person or



to commit any felony upon him, or upon, or in, any dwelling-house in which said person shall be; or,

When committed in the lawful defence of such person or any other human being, where there shall be reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and there shall be imminent danger of such design being accomplished; or,

When necessarily committed in attempting by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

SEC. 6.—*Be it further enacted*, That the killing of a human being by the act, procurement, or omission of another, shall be excusable when committed:

By accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act by lawful means, with usual ordinary caution, and without any unlawful intent; or,

By accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation, or upon any sudden combat, without any undue advantage being taken, and without any dangerous weapon being used, and not done in a cruel or unusual manner.

SEC. 7.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act; particularly an act defining the crime of murder and declaring its punishment, approved October 12th, 1848, page 60, printed laws of 1852, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 23d October, 1858.

AN ACT entitled an act defining the crime of Larceny and declaring the punishment therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation,* That every person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of twenty-five dollars, or more, shall be guilty of grand larceny, and shall return such property or pay the value thereof and shall receive one hundred lashes well laid on the bare back, and on conviction of a second offence of horse-stealing, shall suffer death by hanging.

SEC. 2.—*Be it further enacted,* That if any person shall feloniously take, steal, and carry away, any personal property of another, under the value of twenty-five dollars, he shall be deemed guilty of petit larceny, and shall return or pay for the property so stolen, and shall receive not more than one hundred lashes, at the discretion of the court.

SEC. 3.—*Be it further enacted,* That the stealing and carrying away, or fraudulently withdrawing, concealing, or destroying, or taking away, by any person, any record, paper, or proceeding of a court of justice, or any paper or proceeding filed or deposited with any officer, or in any public office, shall be deemed larceny, without reference to the value of the record, paper, or proceeding, so stolen, taken away or destroyed, and shall receive thirty-nine lashes well laid on the bare back.

SEC. 4.—*Be it further enacted,* That the buying, or receiving, in any manner, or on any consideration, any personal property of any value, feloniously taken away from another, knowing the same to have been so taken, shall receive one hundred lashes well laid on the bare back.

SEC. 5.—*Be it further enacted,* That if any person shall be guilty of stealing, or selling any free person for a slave, knowing the said person, stolen or sold, to be free, and shall thereof be convicted, such person shall receive one hundred lashes, well laid on the bare back.

SEC. 6.—*Be it further enacted*, That if any person shall be guilty of stealing or selling any stray animal, knowing the said animal stolen or sold, to be a stray, and shall thereof be convicted, shall be deemed guilty of larceny, without reference to the value of such animal, and shall receive one hundred lashes well laid on the bare back.

SEC. 7.—*Be it further enacted*, That all acts or parts of acts heretofore passed, particularly the acts approved October, 1834, "Punishing theft," and the act approved November 17th, 1855, "in relation to stealing negroes and other property," coming in any manner in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 26th October, 1858.

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AN ACT entitled an act to define the crime of Manslaughter, and affix the penalty therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any felony, except rape, burglary, arson, or robbery ; or,

While such other is attempting to commit any felony, besides such as are above enumerated and excepted, shall be deemed manslaughter ; or,

The killing of a human being, without malice, by the act, procurement or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor, not amounting to felony ; or,

In the attempt to perpetrate any crime or misdemeanor, in cases when such killing would be murder under former laws shall be deemed manslaughter.



SEC. 2.—*Be it further enacted*, That every person deliberately assisting another in the commission of self-murder, shall be deemed guilty of manslaughter.

SEC. 3.—*Be it further enacted*, That the wilful killing of an unborn quick child, by any injury to the mother of such child, which would be murder if it resulted in the death of the mother, shall be deemed manslaughter.

SEC. 4.—*Be it further enacted*, That every person who shall administer to any woman pregnant with a quick child, any medicine, drug, or substance whatever, or shall use or employ any instrument or other means, with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, or shall have been advised by a physician to be necessary for such purpose, shall be deemed guilty of manslaughter.

SEC. 5.—*Be it further enacted*, That the killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, without authority of law and not in necessary self-defence, shall be deemed manslaughter.

SEC. 6.—*Be it further enacted*, That every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any other unlawful act, or after such attempt shall have failed, shall be deemed guilty of manslaughter.

SEC. 7.—*Be it further enacted*, That the killing of another, in the heat of passion, without malice, by the use of a dangerous weapon, without authority of law, and not in necessary self-defence, shall be deemed manslaughter.

SEC. 8.—*Be it further enacted*, That the involuntary killing of a human being, by the act, procurement, or culpable negligence of another, while such other person is engaged in the commission of a trespass, or other injury to private rights or property, or engaged in an attempt to commit such injury, shall be deemed manslaughter.

SEC. 9.—*Be it further enacted*, That any person navigating



any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such quantity of other loading, that by means thereof such boat or vessel shall sink or overset, and thereby any human being shall be drowned, or otherwise killed, shall be deemed guilty of manslaughter.

SEC. 10.—*Be it further enacted*, That if any physician or other person, while in a state of intoxication, shall, without a design to effect death, administer, or cause to be administered, any poison, drug, or other medicine, or shall perform any surgical operation on another which shall cause the death of such other, he shall be deemed guilty of manslaughter.

SEC. 11.—*Be it further enacted*, That every other killing of a human being, by the act, procurement, or culpable negligence of another, and without authority of law, not provided for in this act shall be deemed manslaughter.

SEC. 12.—*Be it further enacted*, That any person convicted of the crime of manslaughter, under this act, shall receive one hundred lashes on the bare back.

SEC. 13.—*Be it further enacted*, That all acts or parts of acts, heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved 26th October, 1858.

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AN ACT entitled an act defining the crime of Incest, and affixing a punishment therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That if any person shall marry within the degrees prohibited by law, on conviction thereof, they shall be fined two hundred dollars, or each receive one hundred lashes well laid on their bare backs, and such marriage is declared

SEC. 2.—*Be it further enacted*, That if any persons, who have been divorced for incest, shall, after such divorce, cohabit or live together as man and wife, such persons so offending, shall be deemed guilty of incest, and fined on conviction, two hundred dollars, or receive two hundred lashes, during two days, well laid on the bare back, or both, at the discretion of court.

SEC. 3.—*Be it further enacted*, That all acts or parts of acts, heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and this act shall take effect from and after its passage.

Approved October 26th, 1858.

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AN ACT entitled an act to make certain words actionable, defining the offence of Libel and Slander, and prescribing the punishment therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That all words which, from their usual construction and common acceptance, are considered as insults and lead to violence and breaches of the peace shall, hereafter be actionable, and no plea, exception or demurrer, shall be sustained, in any court within this Nation to preclude a jury from passing thereon, who are hereby declared to be the sole judges of the damages sustained.

SEC. 2.—*Be it further enacted*, That any person who shall be convicted of writing or publishing any libel, or speaking words made actionable by the preceding Section, shall be fined in such sum, and receive such a number of lashes on the bare back as the court, in its discretion may adjudge, having regard to the nature and enormity of the offence.

SEC. 3.—*Be it further enacted*, That in every criminal prosecution for libel or actionable words, it shall be lawful for the defendant upon the trial, to give in evidence in his defence the truth of the matter written, spoken, or published.

SEC. 4.—*Be it further enacted*, That all acts or parts of acts heretofore passed, particularly an act punishing slander, approved October, 1851, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved 26th October, 1858.

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AN ACT entitled an act defining the crime of Mayhem, and affixing the punishment thereto.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That every person who, from premeditated design, or with intent to kill, or commit any felony, shall mutilate, disfigure, disable, or destroy the tongue, eye, lip, nose, or any other limb or member, of any person, shall be guilty of Mayhem, and on conviction thereof shall receive one hundred lashes well laid on the bare back.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved 26th October, 1858.

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AN ACT entitled an act granting Capt. Jno. Riddle the privilege to erect a bridge on Fourche Maline and establish a toll gate thereat.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the privilege is hereby granted to Capt. John Riddle to establish a bridge and a toll gate on Fourche Maline stream, near his residence, on the road leading from Fort



Smith to Boggy Depot, upon the following conditions and terms: That if said John Riddle shall well and truly erect or cause to be erected, a bridge across said Fourche Maline, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from citizens of this Nation, the rates of toll, to wit: For each four-wheeled wagon, or other vehicle drawn by four or more horses, mules, or oxen, with driver, the sum of *Fifty cents*; For each four-wheeled wagon, or other vehicle, drawn by one or two horses, mules, or oxen, with driver, the sum of *Twenty-five cents*; For each man and horse, the sum of *Ten cents*; For each animal in every drove of cattle, horses, mules, hogs and sheep, *One cent*.

SEC. 2.—*Be it further enacted*, That if any person, not a citizen of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof, being made to any justice of the peace, said justice of the peace shall give judgment, with fifty per cent. damages, on the amount found due, and shall issue a writ directed to any constable of the proper county who shall proceed to seize sufficient property belonging to such person or persons and sell the same upon ten days notice, at public sale, to satisfy the principal found due, damages and costs.

SEC. 3.—*Be it further enacted*, That the privilege to receive toll, herein given, shall take effect and be in force when the said J. Riddle shall well and truly have erected a good bridge, and as long as he shall keep the same in good order and be responsible for all damages to any person or persons crossing the same with their property. *Provided*, The privilege herein granted shall not continue for a longer time than six years.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, 26th October, 1858.



RESOLUTIONS providing for the submission to a vote of the people of the Nation the question of "Convention" or "no Convention" preliminary to such a call if desired.

*Whereas*, It has been declared by some person in this Nation that the present General Council, the executive officers of the government of this Nation, together with the friends of the existing organic law of the land, known as the Skullyville Constitution, have had in view a design to stifle the voice of the people, by the several acts of refusal on the part of the General Council, to submit by law, to a vote of the people the question of "Convention" or "no Convention," which, from the same sources has been declared to be desired by the people generally; and to whom, the Constitution of Skullyville gives the "inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient."

*And whereas*, To vindicate the justice and wisdom of the General Council and the Executive officers of the government before the people, for delaying the important question of directing a vote upon the expediency of a Convention, before the Constitution formed by the last one assembled had been fully tested, on account of the prevailing persistent disorganization in some of the counties and the refusal of some of the citizens thereof to submit to it, its authorities and the laws under it, and also, the consequent impracticability of a vote being so taken under such circumstances; together with the agitated state of the public, incident thereto, in such counties and extending to other parts of the Nation.

*And whereas*, The existing government under the Skullyville Constitution, has been fully recognized by the government of the United States, as legal in its inception, formation, and as the paramount law of the land, by a second payment of the moneys due annually to this Nation, and the express decision to that effect of the Commissioner of Indian Affairs, under

direction of the President of the United States, through the Secretary of the Interior.

*And whereas*, The Principal and District Chiefs and the Council recently elected under the Constitution known as the "Doaksville Constitution;" which was gotten up to supersede and destroy the existing one, are known to have yielded their opposition, abandoned their Constitution, and now submit to the Skullyville Constitution, the laws in force and the authorities constituted by and acting under it.

*And whereas*, As a measure, further to assure the Choctaw people that the course of the existing government under the Skullyville Constitution and the party controlling it, has been solely for their good, in preventing anarchy and misrule, by delaying the reference of so great and important a question to their suffrages, until all the counties in the Nation were organized and the public mind quieted; and as an assurance to the government of the United States, our great monitor and friend, that the government of the Choctaw Nation are mindful of their teachings, ready to preserve the domestic peace they desire, and to observe their counsels, therefore :

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation*, That whenever the Governor of this Nation, shall receive full and satisfactory information that the counties in this Nation, that have heretofore been without legal officers and in a state of disorganization, have duly and legally become organized under the Skullyville Constitution, he shall issue his proclamation to the people of the Nation, calling upon them to vote on a day to be by him therein named, at least sixty days after the date thereof, upon the question of "Convention" or "no Convention," to alter or amend the existing Constitution, or frame a new one, for submission to a vote of the people for their *ratification or rejection*.

SEC. 2.—*Be it further resolved*, That the Governor shall issue his writ of election directed to the Sheriff of each county in the Nation, commanding him on the day fixed by the Governor, to

order an election in his county, at the place or places now established by law for holding elections in each county, for the purpose of allowing the qualified electors thereof, to vote for, or against, a call for a convention of the people, to assemble for the object herein previously set forth, and said Sheriff shall appoint, to serve at each place of holding elections in his county, three election judges and two clerks, and shall administer to each, the oath prescribed in the Constitution for officers generally, before they enter upon a discharge of their duties.

SEC. 3.—*Be it further resolved*, That said election shall be by ballot and shall continue for one day only, and each qualified elector voting, shall put upon his ticket, if he desires the call of a convention the word "Convention," or if he is opposed to the call of a convention, the words "No Convention."

SEC. 4.—*Be it further resolved*, That the returns of such election shall be made out by the clerk thereof and certified to be correct, sealed up and delivered to the Sheriff by the judges thereof, which said Sheriff shall transmit them by some safe hand, or by mail, to the National Secretary, who shall in the presence of the Governor, open the same, when the Governor shall make proclamation of the number of all the votes cast in each county for and against such call of a convention, and at the next regular session of the General Council lay the same before them.

SEC. 5.—*Be it further resolved*, That if the General Council at the next regular session thereof shall discover after due investigation of the returns of such election, that no improper or illegal voting was done at said election, in which case the illegal or improper votes shall not be counted, and that the highest number of votes cast at said election, are in favor of a call for a convention of the people, they shall provide the manner and means for holding an election for delegates, the number thereof, their pay and mileage, the place of assembling and the manner and means of submitting any action of



such convention, so assembled, to a direct vote of the people for their ratification or rejection.

SEC. 6.—*Be it further resolved*, That the judges and clerks of the election herein directed, shall receive as a compensation for their services, the sum of two dollars each, payable out of the National Treasury, upon the certificate, under oath of the Sheriff of the proper county, giving the names of the judges and clerks and stating that they faithfully performed their respective duties; presented to the National Auditor who is hereby directed to issue his warrant on the National Treasurer, who shall pay the same.

SEC. 7.—*Be it further resolved*, That these resolutions take effect and be in force from and after their passage.

Approved, 26th October, 1858.

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AN ACT entitled an act to increase the pay of the Captain of the Light-horse men of this Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That in addition to the sums now allowed by law to the Captain of the corps of Light-horse men of this Nation, he be entitled to receive the sum of one hundred and fifty dollars a year, payable in the same manner, out of the National Treasury, as provided by law for his salary formerly.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, 26th October, 1858.

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AN ACT entitled an act appropriating a sum of money for the use of the widow of John Joshua, deceased.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That John Joshua, while executing his duty as De-



puty Sheriff of Kiamichi county, Choctaw Nation, was killed, that the sum of seventy-five dollars be and is hereby appropriated to the use and benefit of his widow, and that the National Auditor is hereby required to issue his warrant upon the National Treasurer for the same.

Approved 26th October, 1858.

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AN ACT appropriating money to pay T. Watkins for the use of his house for the Senate.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of twenty-five dollars, be and is hereby appropriated, out of any funds not otherwise appropriated, to pay Theodore Watkins for the use of his house by the Senate during the present session of the General Council, and that the National Auditor be directed to issue his warrant on the National Treasurer for the same.

Approved, 27th October, 1858.

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RESOLUTIONS requesting the United States Government to pay into the National Treasury certain moneys appropriated for Missionary schools in the Nation and for the education of Choctaw youths sent abroad.

*Resolved by the General Council of the Choctaw Nation*, That the Governor of this Nation be requested, and he is hereby authorized and empowered, to open a correspondence with the Secretary of the Interior, through the United States Agent for this Nation, for the purpose of inducing the United States Government, hereafter, to pay, at the same time and in the same manner that other sums due the Nation are paid into the Treasury of the Nation, the sum of sixteen thousand seven hundred dollars, appropriated by the Nation to the support of Missionary schools therein, and now paid directly

to the Superintendents of those schools, by the United States Government; and the interest due annually, accruing and accrued, upon the sum of ninety-eight thousand and three hundred and ninety-one dollars and seventy-nine cents, funded in the hands of the United States government, for the education of Choctaw youths, sent abroad, in order that a correct account of the receipts and disbursements of these moneys may be kept in the offices of the National Auditor and National Treasurer.

*Resolved further*, That the Governor be also requested to ask at the same time, of the United States government a statement in writing, setting forth the amount of interest each year due, upon said fund of ninety-eight thousand three hundred and ninety-one dollars and seventy-nine cents; the names of the persons, the date of payment and the amount paid to each, at any time, out of said interest money, from the date of its being funded in the hands of the United States government, to the date of the next fiscal year thereof, for the satisfaction and inspection of this Nation.

*Resolved further*, That these resolutions take effect from and after their passage.

Approved 26th October, 1858.

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AN ACT entitled an act locating seat of justice at Davis Frazier's, in Cedar county, Apuckshunnubbee District.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the seat of justice of Cedar county is hereby located at Davis Frazier's, of said county, and that the seat of justice, heretofore located at Simpson Nelson's, is hereby repealed.

Approved 27th October, 1858.

AN ACT entitled an act authorizing the Governor to have the laws passed at the present session translated into the Choctaw language, and to have them printed in both the English and Choctaw languages.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the Governor of this Nation is hereby authorized, to have the laws passed at the present session of the General Council, translated by some competent person, into the Choctaw language, and for such services he is hereby authorized to pay the sum to be agreed upon by him and the person he so employs, out of the fund in the National Treasury arising from the tax assessed on licensed traders.

SEC. 2.—*Be it further enacted*, That the Governor is hereby further requested and authorized to have the usual number of copies of the laws passed at the present session, when translated, printed in pamphlet form in both the Choctaw and English languages, and when a sufficient number has been received by the National Secretary, shall direct their distribution among the officers of the Nation, including the district chiefs, in the manner now fixed by law.

SEC. 3.—*Be it further enacted*, That the Governor is further requested and authorized to pay for the printing by this act directed to be done, out of the fund in the National Treasury arising from the tax on licensed traders, which shall be paid upon his order to the National Auditor, who shall issue his warrant therefor, as also, for the sum paid for translating the laws herein directed to be translated.

SEC. 4.—*Be it further enacted*, That the Governor shall direct the National Secretary to send to each one of the States of the American Union, one copy each of all the laws printed for the Nation in both languages, and five copies to the President of the United States, for the use of the State Library of each State, and the National Library of the United States, and also to purchase at the expense of this Nation, out of the fund and in the manner directed for the payment of the

printing herein requested to be done, a sufficient number of copies of the Choctaw Definer, New Testament and Hymn book, printed in the Choctaw language, to be forwarded to each of the States and the United States, as required in the distribution of the laws, and ask in return copies of the Statute Laws, Supreme Court Reports and other books published by their authority.

SEC. 5.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 27th October, 1858.

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AN ACT entitled an act regulating the manner of constituting jurors and establishing their pay.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That all jurymen summoned according to the provisions of this act shall be entitled to receive five cents per mile going to and returning from court, and one dollar per day, to be paid by the party losing the suit, and the same shall be attached to the bill of costs, except grand jurors, who shall be paid out of the National Treasury, on certificate of the clerk to the National Auditor, who is required to issue his warrant for the same, and the National Treasurer is hereby authorized to pay the same, and that Section 16 of the act passed 16th April, 1858, be and the same is hereby repealed.

Approved, October 27, 1858.

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RESOLUTIONS directing the Choctaw delegation to Washington City to bring about a settlement of all matters arising in relation to the eastern boundary of the Choctaw Nation.

*Resolved by the General Council of the Choctaw Nation*, That Samuel Garland, Peter Folsom, P. P. Pitchlynn and Israel Folsom, who compose the Choctaw delegation to Washington



City, be and they are hereby requested authorized and fully empowered in addition to the powers they already possess in behalf of this Nation, to take into consideration all matters arising in relation to the running of the eastern boundary line of the Choctaw Nation by direction of the government of the United States during the present year, and determine and agree upon the compensation to be allowed by the government of the United States, in consideration of that portion of the territory of this Nation found to be within the limits of the State of Arkansas.

*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved 27th October, 1858.

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AN ACT entitled an act apportioning the representation of the counties and creating Senatorial districts and fixing the number thereof in the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the ratio of representation in the House of Representatives of the General Council of this Nation shall be equal to every one thousand free inhabitants in each county thereof.

SEC. 2.—*Be it further enacted*, That hereafter the county of Skullyville shall be entitled to two representatives; The county of Sugar Loaf shall be entitled to one representative; The county of Sans Bois shall be entitled to one representative; the county of Gains shall be entitled to one representative; The county of Tobucksy shall be entitled to one representative; The county of Jack's Fork shall be entitled to one representative; The county of Atoka shall be entitled to one representative; The county of Blue shall be entitled to two representatives; The county of Kiamichi shall be entitled to three representatives; The county of Towson shall be entitled to two representatives; The county of Red River

shall be entitled to two representatives ; The county of Cedar shall be entitled to one representative ; The county of Nashoba shall be entitled to one representative ; The county of Wade shall be entitled to one representative ; The county of Boktuklo shall be entitled to one representative ; The county of Eagle shall be entitled to one representative ; and the county of Cooper, when settled by Choctaws, shall be entitled to one representative.

SEC. 3.—*Be it further enacted*, That the county of Kiamichi shall compose one senatorial district of this Nation, and be entitled to one senator in the General Council thereof, and the counties following herein, as enumerated, shall compose a senatorial district of this Nation and shall be entitled to one senator to each district, to wit : The county of Skullyville, one senator ; The county of Blue, one senator ; The county of Towson, one senator ; The county of Red River, one senator ; The county of Eagle, one senator ; The counties of Sugar Loaf and Wade, one senator ; The counties of Tobucksy and Atoka, one senator ; The counties of Jack's Fork and Cedar, one senator ; The counties of Sans Bois and Gains, one senator ; and the counties of Nashoba and Boktuklo, one senator.

SEC. 4.—*Be it further enacted*, That the election for representatives, shall be held at the places now established by law, according to the existing election laws, at the same time that the regular election for Governor and other National officers are held, and that the election for senators shall be in all the senatorial districts at the same places, according to the same laws, at the same time that elections for representatives are held.

SEC. 5.—*Be it further enacted*, That all acts or part of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved 27th October, 1858.

AN ACT entitled an act defining what shall constitute unlawful matrimony, the crime of incest, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation, That the son shall not marry his mother.*

The son shall not marry his step-mother.

The brother shall not marry his sister nor his sister's daughter.

The father shall not marry his daughter.

The father shall not marry his daughter's daughter.

The son shall not marry his father's daughter begotten of his step-mother, nor his aunt, being his father's or mother's sister.

The father shall not marry his son's widow.

A man shall not marry his wife's daughter, or his wife's daughter's daughter, or his wife's son's daughter, and the like prohibition shall extend to females within the same degrees, and all marriages of this nature are hereby declared incestuous and void.

Approved 26th October, 1858.

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## ACTS AND RESOLUTIONS

PASSED AT

BOGGY DEPOT,

OCTOBER SESSION, 1859.

RESOLUTIONS requesting the Governor to obtain information respecting individual claims, assumed by the Nation, under Treaty of June 22d, 1855.

*Resolved by the General Council of the Choctaw Nation, That the Governor be requested, to forthwith address the Commis-*

sioner of Indian Affairs, at Washington City, asking him to transmit to the United States Agent, for this Nation, copies of all the names of individual claimants, under any former treaty, with the accompanying evidences of such claims, in order to enable the proper authorities of this Nation, to carry out the provisions of the 12th Article of the Treaty, of 22d June, 1855, between the United States, the Choctaw and Chickasaw Nations.

*Resolved further*, That this resolution take effect from and after its passage.

Approved, October 13th, 1859.

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AN ACT relating to the claim of J. R. Witt, against Lemuel Reynolds, of the Chickasaw Nation.

That, whereas, J. R. Witt, a citizen of this Nation, has made complaint to the General Council alleging that one Lemuel Reynolds, now a citizen of the Chickasaw Nation, did, in the year 1856, take and carry away from the premises of said complainant, his property, amounting in the aggregate to about six hundred dollars, therefore :

*Be it resolved by the General Council of the Choctaw Nation*, That the Governor be, and he is hereby required to demand, through the Chickasaw authorities, the restitution of said property, to the said J. R. Witt, or the amount specified above in money of the said Lemuel Reynolds.

Approved, October 14th, 1859.

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Appropriation to John Martin, J. P.

*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of ten dollars and forty cents, be and is hereby appropriated, to pay John Martin for services rendered as Justice of the Peace, in Towson county,



and the National Auditor is hereby required to issue his warrant upon the Treasury for the same.

Approved, October 15th, 1859.

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### Appropriation to Theodore Watkins.

*Resolved by the General Council of the Choctaw Nation, That the sum of sixteen dollars be allowed Theodore Watkins, for eight days use of his house for the session of the Supreme Court at the terms of April and October, 1859, out of the National Treasury, and the National Auditor is hereby directed to issue his warrant therefor.*

Approved, October 15th, 1859.

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### AN ACT relative to white men living in the Nation without license.

*Be it enacted by the General Council of the Choctaw Nation assembled, That it shall be the special duty of the Sheriff in each county of this Nation, to give prompt and immediate notice to the Governor of this Nation, of all white men, who are residing, or who may reside within the limits of their respective counties, without a license or permit from the proper authorities of this nation.*

*Be it further enacted, That the Governor of this Nation is hereby authorized, and directed to take the necessary steps to cause the removal of all such persons as may be residing here without any license, or permit.*

Approved October 17th, 1859.

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### AN ACT to employ Joseph Dukes to translate the laws into the Choctaw language, passed at the October Session, 1859.

*Be it enacted by the General Council of the Choctaw Nation,*

That the Governor of the Choctaw Nation, be and is hereby empowered, and authorized to employ Joseph Dukes to translate into the Choctaw language, as soon as practicable, each and every Act and Resolution passed at the present session of the General Council, and to furnish three distinct copies of such translation to the Governor.

*Be it further enacted,* That the Governor shall cause one copy of such translations to be furnished each of the Circuit Judges of the Choctaw Nation.

*Be it further enacted,* That for the service of such translations, said Joseph Dukes shall receive pay equivalent to the pay he may receive as a member of this present General Council, and that the National Auditor, shall issue his warrant on the Treasurer, for that amount, on the certificate of the Governor, that such service has been performed.

*Be it further enacted,* That this act be in force from and after its passage.

Approved, October 19th, 1859.

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AN ACT making appropriations for the widow and child of  
D. W. Lewis, deceased.

Your committee to whom was referred a memorial from Mrs. Nancy Lewis, wife of the late Rev. D. W. Lewis, for services rendered, as one of the delegates to Washington City, to attend to unsettled business with the United States Government, and your committee had the same under consideration, and make their report.

It is the opinion of your committee, that Nancy Lewis, and her child, are entitled to percentage upon the money paid the Nation by the United States Government, for the relinquishment of all the claims to any Territory west of one hundred degrees of West Longitude. *Therefore,* your committee would respectfully recommend, that Mrs. Nancy Lewis, and

her child, shall be allowed one-fourth of the per centage allowed the delegation, in obtaining the money for the relinquishment of the Territory aforesaid; and your committee further recommend that a sum of \$4,000, be appropriated out of any money belonging to the Nation, in order to make her claim equal with the rest of the delegation.

*Be it enacted by the General Council of the Choctaw Nation assembled,* That the sum of \$4,000 be and is hereby appropriated out of any money belonging to the Nation, to pay Nancy Lewis, and her child, for the services of the late D. W. Lewis, as delegate to Washington, and that the National Auditor is hereby required to issue his warrant upon the Treasurer in her favor for the same amount.

*Be it further enacted,* That Mrs. Nancy Lewis and her child shall be entitled to one-fourth of the per centage allowed the delegation for obtaining the payment for the Territory claimed by the Nation beyond West of one hundred degrees of Longitude.

Approved, October 20th, 1859.

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AN ACT entitled an act granting to Campbell Leflore the right of way and privilege of erecting a Telegraph Line through this Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation,* That the right of way, and the privilege is hereby granted Campbell Leflore, to establish, and erect, a telegraph line through the Nation, commencing at the eastern boundary of the Nation, near Fort Smith, and running West in the direction of Sherman, in the State of Texas, to the western boundary of the Nation, with all the rights, privileges, and immunities necessary and proper for the successful erection, completion, and operation of said line; and further, the privilege of having a telegraph office at the Capitol of the Nation, if practicable.

SEC. 2.--*Be it further enacted*, That the above specified privileges are hereby granted and conferred upon the said Campbell Leflore, his heirs, and assignees, exclusively for the term of fifteen years, from and after the passage of this act.

Approved, October 20th, 1859.

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AN ACT appropriating \$6,000 to pay the expense of the delegation to Washington.

*Be it enacted by the General Council of the Choctaw Nation*, That the sum of six thousand dollars, viz.: Two thousand dollars to P. P. Pitchlynn, two thousand dollars to Israel Folsom, and two thousand dollars to Samuel Garland, be set apart, and appropriated out of any money in the National Treasury, not otherwise appropriated, in order that they may be enabled to proceed to Washington City to effect the appropriation necessary to complete the settlement as designed by the resolution of the Senate of the United States, passed 9th of March, 1859.

*And be it further enacted*, That the National Auditor is hereby required to issue his warrant on the National Treasury for the same.

Approved, October 20th, 1859.

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AN ACT appropriating two thousand dollars for Nancy Lewis and child.

*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two thousand dollars be, and is hereby appropriated out of any money, not otherwise appropriated, to pay Nancy Lewis and her child, the heirs of late D. W. Lewis for services rendered as delegate to Washington



City, and that the National Auditor is required to issue his warrant upon the Treasury for the same.

Approved October 20th, 1859.

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AN ACT entitled an act defining the duties and powers of the Commissioners, the jurisdiction of the Court of Claims, fixing their pay, and for other purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation, That Whereas,* the Senate of the United States has awarded to the Choctaws the net proceeds of the land ceded by them to the United States by the treaty of Dancing Rabbit Creek, September, A. D. 1830, deducting therefrom the proper expenditures for surveying, selling, &c.

SEC. 2.—*Be it further enacted, That Whereas,* the Choctaws, by the 12th article of the treaty of June 22d, 1855, accepted the same in full satisfaction of National and individual claims, thereby becoming liable, and assuming, the payment of individual claimants.

SEC. 3.—*Be it further enacted, That* the three Commissioners now appointed under 6th section of the constitution, and two others to be appointed by the Governor, who, after being commissioned and qualified according to law, shall be, and the same are hereby constituted a Court of Claims, who before entering upon the duties of their office, shall take the oath of office prescribed in the constitution, which oath may be administered by the Governor, or Judge of any Court of Record.

SEC. 4.—*Be it further enacted, That* the Court of Claims shall have jurisdiction over all claims for self emigration, all claims under the 14th and 19th articles of the treaty of September, 1830, and also, claimants under the supplement, claims for lost property in emigrating to this Nation during the years 1831, 2, and 3, and for property scheduled to the General Government Agents.

SEC. 5.—*Be it further enacted*, That all claims against the Nation, shall be brought within 18 months from and after the passage of this act, and not thereafter. Claimants shall have the right to appear before said Court of Claims in proper person, or by attorney; *provided*, that none shall be attorneys except those legally qualified to practice before the courts of this Nation—being citizens thereof.

SEC. 6.—*Be it further enacted*, That said Court of Claims, shall, as well as claimants, have the power to summon any person or persons as witnesses on the part of the Nation, and in case the personal attendance of the summoned cannot be had, depositions may be taken by either party before any Judge, or other officer legally qualified to administer an oath—sufficient notice being given to the adverse party of the time and place of taking the same.

SEC. 7.—*Be it further enacted*, That the court of claims shall choose from among themselves the presiding commissioner, who shall be styled the Chief Commissioner, and enter the same on the minutes of the Court, and said Chief Commissioner shall have power to sign the minutes and certify any matter of fact of record in said court.

SEC. 8.—*Be it further enacted*, That the Court of Claims shall have power to appoint a clerk by and with the advice of the Governor, to hold his office as long as business may require, but may be removed for any good and sufficient cause from office. Said clerk shall take the oath of office prescribed in the constitution before any judge of a court of record, and shall be allowed for his services three dollars per day, payable quarterly out of the National Treasury, by certified certificate from under the hand and seal of the Chief Commissioner of the court.

SEC. 9.—*Be it further enacted*, That for preventing errors in entering upon the judgment, or orders of said Court, the minutes of the proceedings of every day, shall be drawn up by the Clerk before the next day's sitting of the court, when

the same shall be read in open court, and such corrections, as may be necessary, made and then signed by the Chief Commissioner of the court, and carefully preserved in a well bound book, to be kept for the purpose, if necessary, of making a *pro rata* payment on adjudicated claims of judgment rendered—and the last day of each sitting of said court, the proceedings of that day shall be drawn up, read, corrected, and signed on the same day as aforesaid.

SEC. 10.—*Be it further enacted*, That the Commissioners shall for their services receive three dollars for every day they shall be actually engaged in the discharge of their duties as commissioners, payable quarterly out of any funds in the National Treasury, not otherwise appropriated—a certificate under the hand and seal of the Chief Commissioner, of the number of days, and the amount shall be presented to the Auditor, who shall issue his warrant on the National Treasurer for the same.

*And be it further enacted*, That the witness, or witnesses appearing in behalf of the nation in the Court of Claims, will be allowed two cents per mile and fifty cents per day in attending the above said court, out of any money in the Treasury, not otherwise appropriated, on the order or certificate of the Chief Commissioner, to the National Auditor for the same.

SEC. 11.—*Be it further enacted*, That in case any vacancy shall occur in the Court of Claims, either by death, resignation, or removal from office, the Governor shall have power to fill such vacancy by appointment.

SEC. 12.—*Be it further enacted*, That in case of necessity the court shall have power to appoint a bailiff who shall execute all orders of said court, and for his services shall receive the same as that of constable for like services.

SEC. 13.—*Be it further enacted*, That the said court shall hold its session at the following places, to wit: Skullyville, one month, commencing 1st Monday in January, 1860; John



Riddle's, two weeks, commencing 1st Monday in February, 1860 ; Boggy Depot, commencing third Monday in February, to hold two weeks ; Mayhew, three weeks, commencing first Monday in March, 1860 ; Jno. Caffrey's, three weeks, commencing 4th Monday in March, 1860 ; Doaksville, one month, commencing third Monday in April, 1860 ; Lukfatah, one month, commencing third Monday in May, 1860 ; Jessee McKinney's, two weeks, commencing third Monday in June, 1860.

*Be it further enacted*, That in case the said Court of Claims shall not complete the adjudication of claims enrolled within specified times, then additional terms shall be held by said court ; times and place to be fixed by said court for final and entire adjudication.

Approved, October 21st, 1859.

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AN ACT authorizing the Governor to appoint three delegates to the International Convention.

*Be it enacted by the General Council of the Choctaw Nation*, That the Governor be, and is hereby authorized to appoint three delegates, on the part of the Choctaw Nation, to meet the several Nations in International Council, to be held at North Fork Mission, on the 6th day of November, 1859, for the purpose of framing a Code of International Laws, &c.

*Be it further enacted*, That said delegates, to said National Convention of Choctaws, shall receive for their services the same mileage and *per diem*, that the members of the House of Representatives are entitled to, according to law, and the Governor, upon the return of the delegates, and their certificate of the number of days employed, and the number of miles traveled, shall issue to them his certificate, which certificate shall be presented to the National Auditor, and he shall issue his warrant on the National Treasurer for the



amount upon any money in the Treasury, not otherwise appropriated.

Approved, October 22d, 1859.

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### RESOLUTIONS respecting Female Schools.

*Be it resolved, by the General Council of the Choctaw Nation,* That the General Council of the Choctaw Nation is disposed on behalf of the Choctaw people, to make a contract for the continuance of the Female Boarding Schools, which have heretofore been under the care of the American Board of Foreign Missions, of such a nature, that they may still be under the charge of the present Superintendents thereof, *Provided*, such a contract can be made on terms agreeable to all parties concerned.

*Be it further resolved,* That Joseph Dukes, the present Trustee for schools in Apuckshannubbee District, and R. W. Nail, Superintendent of Trustees, be authorized, on the part of the Choctaw Nation, as soon as possible, to enter into a contract with the Superintendents of the several Female Boarding Schools, at Pine Ridge, Wheelock, and Eagletown, or with others, whereby the Female schools may be continued.

*Be it further resolved,* That whenever the above desired contract is effected, R. W. Nail, Superintendent of Trustees, shall forthwith inform Gen. D. H. Cooper, U. S. Indian Agent, of the existence of such a contract, and further request that the appropriations for the above named Female Schools be paid to the Superintendents thereof as heretofore.

*Be it further resolved,* That the sum of two hundred and sixty-six dollars and sixty-seven cents, be appropriated, annually, for four years only, out of the National Treasury, not otherwise appropriated, to each Female School named above,

in case the contract be entered into between said Joseph Dukes and R. W. Nail, and the Superintendents thereof.

Approved, October 22d, 1859.

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AN ACT entitled an act, appropriating moneys for the support of Neighborhood Schools, and directing the manner of disbursing the same.

1. *Be it enacted by the General Council of the Choctaw Nation,* That the sum of four hundred dollars be, and the same is hereby set apart, out of any funds belonging to the Choctaw Nation, not otherwise appropriated, for the support of the Neighborhood School at Skullyville, in Mosholatubbee District, and that the National Auditor is hereby authorized to issue his warrant for the same on the order of William Wilson, teacher of said school.

2. *Be it further enacted,* That the sum of twenty-five hundred dollars be, and the same is hereby set apart out of any funds of the Choctaw Nation, not otherwise appropriated, the same to be drawn by the Trustee for schools in Mosholatubbee District, on the order of the National Auditor, and to be disbursed by said Trustee, with particular regard for the schools already established, which may be in a flourishing condition, and for those localities where the greatest number of children can be benefited, by such disbursement.

3. *Be it further enacted,* That the sum of twenty five hundred dollars be set apart out of any funds of the Choctaw Nation, not otherwise appropriated, for the support of neighborhood schools, in Apuckshannubbee District, and that the National Auditor be and is hereby authorized to issue his warrant on the National Treasurer for the same, payable to the Trustee of schools in Apuckshanubbee District, and that the said Trustee is hereby instructed to pay particular attention, in the disbursement of the funds committed to his

care, to the wants of the people on Red River, in the neighborhood of Willis Jones, and on Koiailli Bok.

4. *Be it further enacted*, That for the support of neighborhood schools in Pushamataha District, appropriations be, and the same are hereby made out of any funds belonging to the Choctaw Nation, and not otherwise appropriated, as follows, viz. :

For the school at Good Land, the sum of four hundred dollars, is hereby appropriated, to be paid to O. P. Stark.

For the support of a school at Good Water, in the neighborhood of Jackson Roberts, the sum of two hundred dollars is hereby appropriated, to be paid on the order of the Trustee for schools, for Pushamataha District.

For the support of a school at Z. Harrison's, the sum of two hundred dollars is hereby appropriated, to be paid to Z. Harrison.

For the support of a school at Bennington, the sum of three hundred and fifty dollars is hereby appropriated, to be paid to C. C. Copeland.

For the support of a school at Elm Grove, the sum of three hundred and fifty dollars is hereby appropriated to be paid on the order of the Trustee, for schools in Pushamataha District.

For the support of a neighborhood school, to be located at Ephesus, three hundred dollars is hereby appropriated, to be paid on the order of the Trustee, for schools in Pushamataha District.

For the support of a neighborhood school at Yakni Okchaya, the sum of three hundred dollars is hereby appropriated to be paid to Mrs. P. T. Hotchkins.

For the support of schools in other neighborhoods, in the same district, the sum of eight hundred dollars is hereby appropriated, to be paid on the order of the Trustee for schools in Pushamataha district; making a total of twenty-nine hundred dollars for the support of neighborhood schools in Pushamataha district.

5. *Be it further enacted*, That the Auditor of the Choctaw Nation is hereby authorized to issue his warrant on the National Treasurer of the Choctaw Nation, in favor of the several persons named as the proper persons to receive the moneys appropriated for the support of schools in Pushmataha District, for the amount specified for the several schools named in connection with them; and that the Treasurer of the Choctaw Nation is hereby required to pay the same out of any funds belonging to the Choctaw Nation, not otherwise appropriated.

6. *Be it further enacted*, That the specific or special appropriations made in this act shall, and the same are to be considered as annual, or yearly, until otherwise enacted by the General Council of the Choctaw Nation.

7. *Be it further enacted*, That this act be in force from and after its passage.

Approved, October 22d, 1859.

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RESOLUTION relative to settling with the National Auditor and Treasurer.

*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Governor be and is empowered to authorize two individuals, residing in, or in the vicinity of Skullyville, to examine all the books and papers of both the former National Auditor and Treasurer, and report the same to the Governor at an early a day as practicable, for the purpose of relieving the former National Auditor's and Treasurer's bond, and also for the information of the General Council.

Approved, October 22d, 1859.

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AN ACT entitled an act authorizing the General Superintendent of Schools to examine and report upon funds belonging to this Nation.

*Be it enacted by the General Council of the Choctaw Nation,* That Robert W. Nail, Superintendent of Public Schools of the Choctaw Nation, is empowered to proceed to Washington City, as early as practicable, to investigate all funds due the Choctaw Nation, arising out of the funds known as Forty Youth fund, created under the treaty of 1830, to find out what amount is due, with interest, and report to the next General Council by whom, if any, has been drawn.

2.—*Be it further enacted,* That the said Robert W. Nail shall be entitled to, and receive, for his services, in going to Washington City, in attending to the above, the sum of three hundred dollars, together with his traveling expenses, going to and returning, to be paid out of the Forty Youth fund.

3.—*Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved, October 22d, 1859.

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RESOLUTIONS providing for the election of delegates to a Convention, to amend the present Constitution, or frame a new one.

*Whereas,* The proclamation of Tandy Walker, ex-Governor of the Choctaw Nation, by him issued on the 28th day of September, 1859, agreeable to an act of the General Council, approved October 20th, A. D., 1858, providing for the submission to a vote of legally qualified voters of this Nation, the question of *Convention* or *no Convention*, for the purpose of amending the present Constitution, or framing a new one, and

*Whereas,* The voice of the people through the ballot box has been almost unanimous in favor of a convention, thereby

declaring that it is the wish of the majority of the people of this Nation to have the present Constitution, known as the Skullyville Constitution, and now the paramount law of the Nation, amended, or a new one submitted in its stead to the people, for their approval or rejection, through the ballot box. Now, therefore,

*Be it resolved by the General Council of the Choctaw Nation,* That in compliance with the wish of a majority of the citizens of this Nation, a convention shall be held on the eleventh day of January, A. D., 1860, at Doaksville, for the purpose of amending the present Constitution, or submitting a new one.

*Be it further resolved,* That delegates be elected to said convention, in each and every county of the Choctaw Nation, in the same apportionment as represented in the General Council, provided for by an act approved the 27th day of October, A. D., 1858, entitled an act apportioning the representation of the counties in the House of Representatives of the General Council of the Choctaw Nation, which election shall be held on the first Wednesday in December, A. D., 1859, at such places as the Board of Police of the several counties may designate in their respective districts, agreeable to the laws defining the duties of said Board, etc.

*Be it further resolved,* That the Governor notify each Sheriff of the several counties of this Nation, of the passage of these resolutions, and they are hereby required to publish the same in each district of their respective counties.

*Be it further resolved,* That each Justice of the Peace is hereby required to appoint three Judges and two Clerks of election, in his respective district, and said Judges, so appointed, shall, before entering upon the discharge of their duties, take the following oath, to wit: "I do swear that I will perform the duties of Judge of the present election, according to law, and the best of my abilities, and that I will studiously endeavor to prevent fraud and deceit in conducting the same."

*Be it further resolved,* That the Clerks of each election, before entering on the discharge of their duties, as Clerks of election, shall take an oath that they will faithfully record the names of all persons voting, and carry out in lines and columns all the votes polled at such election.

*Be it further resolved,* That in case there be no Justice of the Peace, or other officer, legally authorized to administer an oath to said election Judges, and in case any of said Justices of the Peace shall fail to appoint, or attend their precinct, then the voters assembled shall choose from among themselves, three competent persons, as Judges of election, who shall administer the oath, one to another, and to the Clerks, and the Judges so administering the oath shall certify to the same, and attach his certificate to the poll-books, which shall be sent, sealed, to the Judge of Probates of their respective counties, who shall open and count the same, in the presence of the Sheriff, and the person receiving the highest number of votes shall be elected, and said Probate Judge shall issue to such person a certificate of his election; *Provided* the Clerks of election shall proclaim, before sealing and forwarding to the Judge of Probate, the number of votes that each candidate received at their respective precincts.

*Be it further resolved,* That whenever the present Constitution is amended, or a new one framed, by the said convention, the Governor of this Nation shall, within ten days after said convention, issue his Proclamation to the people of the Choctaw Nation, calling upon them to vote, on a day to be by him fixed, therein named, at least sixty days after the date thereof, upon the Constitution, so amended, or a new one framed, for their ratification or rejection.

*Be it further resolved,* That the Governor shall issue his writ of election, directed to the Sheriff of each county in the Nation, commanding him to publish the same in each police district of their respective counties, whereupon the Justices



of the Peace shall appoint and qualify three Judges and two Clerks of election, in their respective districts, for the purpose of allowing the legal electors of this Nation to vote, on the day fixed by the Governor, aforesaid, upon the Constitution thus submitted to them.

*Be it further resolved*, That the returns of such election shall be made out by the Clerks thereof, and certified to be correct; sealed up, and delivered to the Sheriff, by the Judges thereof, which said Sheriff shall transmit, by some safe hand, or by mail, to the Governor, who shall, in the presence of one or more of the District Chiefs, open and count them, and the said Governor shall make proclamation of the number of all votes cast in each county in the Nation, for or against the Constitution so submitted.

*Be it further resolved*, That the majority of such votes shall appear to have been cast in favor of such Constitution, then that Constitution shall go into operation in the manner as shall be directed by the said convention.

*Be it further resolved*, That the Judges and Clerks of election shall receive for their services the sum of two dollars each.

*Be it further resolved*, That the delegates attending the convention shall be allowed the same compensation as the members to the House of Representatives, payable out of any funds in the National Treasury, not otherwise appropriated.

*Be it further resolved*, In case of the death or resignation of any delegate elected to the convention, from the several counties of this Nation, the Probate Judge shall order the Sheriff to give notice to the several Justices of the Peace of his county to hold an election, in accordance with the election law, above specified, to fill such vacancy; *provided*, there be time to give one week's notice before the day of such election.

Approved, October 24th, 1859.



RESOLUTION to pay Theodore Watkins \$25 for the use of his house.

*Be it resolved by the General Council of the Choctaw Nation,* That the sum of twenty-five dollars be allowed Theodore Watkins for the use of his house as a Senate Chamber, and that the National Auditor is hereby authorized and directed to issue a warrant for the same upon any money in the National Treasury not otherwise appropriated.

Approved October 24th, 1859.

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RESOLUTIONS relative to the International Council.

That, *whereas*, the Creek Nation of Indians have, through their legally constituted authorities, requested, and extended to this Nation a seat, by delegation, in an International Council of Nations, to be held on the sixth day of November, A. D., 1859, at North Fork Mission, with the avowed purpose of framing and adopting a code of International Laws, to be regarded and adhered to by the Nations participating in such General Council of Nations, as the law governing the intercourse policy towards each other, and between them.

*And, whereas*, it is incumbent upon this Nation, as well as others, to protect its existence, and to protect the rights and interests of her citizens in every particular.

*Therefore, Be it resolved by the General Council of the Choctaw Nation assembled,* That the Governor be requested to prescribe to the delegation, by him appointed, an outline of their powers; to consist in part of the following, to wit: That should such international Council be assembled to form a code of laws governing their civil intercourse, then the delegates on the part of this Nation shall take their seats in said Council; but if the object of the Council be to encourage the separate independence of any Nation, not recognized by the Choctaws as such, then, and in that case they shall withdraw from such Council, and, if need be, protest against such re-

cognition of independency, and should such delegates take their seats in such Council, they shall endeavor to protect this Nation from the infringements of existing treaties with the Nations thus in Council assembled, and also to protect the rights and interest of the citizens of this Nation.

*Be it further resolved*, That the intercourse laws enacted and passed in the Council, shall be submitted to the General Council of this Nation, for their approval or rejection, before the same shall be binding on the part of this Nation.

*Be it further resolved*, That the Choctaw people cannot, by any reasoning or construction of the treaty of 1855, recognize the separate nationality of the Chickasaws, as the country is held in common by the Choctaws and Chickasaws, and identified with each other in every interest as a people.

*Be it further resolved*, That the Choctaw delegation make overtures of co-operation, as one delegation, to the Chickasaw delegation, and sign together as one delegation all laws, acts and resolutions that may be incumbent on them to sign as delegates, &c.

Approved, October 24th, 1859.

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AN ACT appropriating \$3,000 to F. M. Paine, Superintendent of Fort Coffee and New Hope schools.

Your committee, to whom was referred the report of the Superintendent of Fort Coffee and New Hope, after mature deliberation and consultation, beg leave to say, that it appears to your committee that the amount asked should be allowed for the reason that so much of the first appropriation to said institutions was applied to annuity purposes, after the contract had been entered into by the Nation and by the Methodist Board.

*Be it enacted by the General Council of the Choctaw Nation*, That the sum of three thousand dollars be, and is hereby set

apart, out of any money in the Treasury, not otherwise appropriated, to pay F. M. Paine, Superintendent of Fort Coffee and New Hope schools, to enable the said Superintendent to pay the debts standing against the above institution.

*And be it further enacted*, That the National Auditor is hereby required to issue his warrant on the National Treasury for the same.

Approved, October 24th, 1859.

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AN ACT appropriating money to pay Allen Wright for the use of the brick church for Representatives.

*Be it enacted by the General Council of the Choctaw Nation*, That the sum of twenty-five dollars be and is hereby appropriated, out of any funds not otherwise appropriated, to pay Allen Wright, for the use of the brick church by the Representatives during the present session of the General Council, and that the National Auditor be directed to issue his warrant on the National Treasury for the same.

Approved, October 24th, 1859.

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AN ACT making an appropriation to pay Martin Chuckmubbee balance of salary.

*Be it enacted by the General Council of the Choctaw Nation*, That the sum of twenty-six dollars and thirteen cents be and is hereby appropriated, out of any moneys not otherwise appropriated, to pay Martin Chuckmubbee, for services rendered as County Judge in Atoka county, from 1st of March to the 1st of October, A. D. 1859; which being the balance due him on his salary. The National Auditor is hereby required to issue his warrant on the National Treasury for the same.

Approved, October 25th, 1859.



RESOLUTION requesting the Governor to have the Acts and Resolutions of this Session printed.

*Be it resolved by the General Council of the Choctaw Nation, That the Governor be requested to have the Acts and Resolutions, passed at the present session of the General Council, printed in pamphlet form, in both the English and Choctaw languages, at as early a day as possible, and upon the receipt of a sufficient number of copies, to order the distribution of them as directed by law.*

Approved, October 25th, 1859.

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RESOLUTIONS giving a certain per diem to the National Officers.

*Be it resolved by the General Council of the Choctaw Nation, That the sum of two dollars per day, for each day's actual attendance upon the General Council, at the present session, be and the same is hereby allowed the Executive, National Secretary, National Auditor, and National Treasurer, in addition to the salary, fixed by law for such officers, and that the National Auditor is hereby directed to issue his warrant upon the National Treasury for the amount of per diem in the manner of paying regular salaries; Provided, that this resolution shall not be so construed as to allow said officers such per diem at any further session of the General Council of the Choctaw Nation.*

*Be it further resolved, That the sum of one dollar per day, for each day's actual attendance upon the General Council, at the present Session, be and the same is hereby allowed Rev. Cyrus Kingsbury, the Chaplain, and the National Auditor is hereby directed to issue his warrant upon the National Treasury for the same.*

*Be it further resolved, That this resolution take effect*



and be in force from its passage until said officers receive the per diem aforesaid and no longer.

Approved, October 25th, 1859.

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#### ADJOURNMENT.

*Resolved*, That the General Council adjourn this evening at five o'clock. October 25th, 1859.

Approved, October 25th, 1859.

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A SUPPLEMENTAL ACT to an Act, entitled an act defining the duties and powers of the Commissioners, the jurisdiction of the Court of Claims, fixing their pay, and for other purposes.

*Be it enacted by the General Council of the Choctaw Nation*, That the Board of Commissioners is hereby further authorized and directed, that in case the United States Agent for the Choctaws and Chickasaws is to act and co-operate with the Board of Commissioners, on the part of the Choctaws, in settling and adjudicating all individual claims arising under the Treaty of A. D. 1855, then the said Board, in conjunction with the United States' Agent, shall have the power to change and to fix the time of meeting to suit the convenience of the said Agent.

*And be it further enacted*, That the limitation, as specified in the 5th Section, shall not be so construed as to take effect from the passage of the said act, but to commence from the time that the Board shall first meet to determine and adjudicate claims.

Approved, October 25th, 1859.

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#### AN ACT relative to the Eastern Boundary Line.

*Be it enacted by the General Council of the Choctaw Nation*,

That the Resolutions, passed at the Regular Session of the General Council, 1858, and approved October, 27, A. D. 1858, directing the present Choctaw delegation, at Washington City, composed of Samuel Garland, P. P. Pitchlynn, and Israel Folsom, to take into consideration all matters arising in relation to the running of the eastern boundary line of the Choctaw Nation, by direction of the Government of the United States, and determine and agree upon the compensation to be allowed by the Government of the United States, in consideration of that portion of the Territory of this Nation, found to be within the limits of the State of Arkansas, is hereby wholly revoked, and rendered null and void, from and after the passage of this act.

*Be it further enacted*, That the present delegates now at Washington, be instructed and authorized, to protest before the proper department, in regard to the running of the eastern boundary line between the Choctaw country and the State of Arkansas, and contend for the true line in accordance with the Treaty of June, A. D., 1855.

*Be it further enacted*, That said delegates shall not be entitled to any pay for such supervision, etc.

Approved, October 25th, 1859.

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## ACTS AND RESOLUTIONS

PASSED AT

THE OCTOBER SESSION, A. D, 1860.

AN ACT entitled an act to define certain duties of the Principal Chief of the Choctaw Nation, and to establish his salary.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, In addition to the powers vested in the

Principal Chief of this Nation, by the new Constitution, he shall have power to remove from office any National, District, or County Officer, for the causes and under the restrictions following, to wit: In case the securities, or either of them, of any National or County Officer, who may be required to give bond and security for the faithful performance of his duty, by any law of this Nation, shall remove his or their residence out of this Nation permanently, or shall become insolvent, or shall be convicted of a violation of any of the provisions of an act entitled "An act to prevent the use of intoxicating liquors in the Choctaw Nation," it shall be the duty of the Principal Chief, in case of a National Officer, or any County Officer, on satisfactory information of any such removal or insolvency, to notify such officer to appear before him, at a day and place therein named, within twenty days thereafter, to give a new bond, with other good and sufficient security, in a penalty equal to that of the former bond, with the like condition. And if such officer shall neglect or refuse to do so, or if, on satisfactory showing of his condition as aforesaid, if he be a National officer, the Principal Chief shall forthwith vacate his commission, and the vacancy shall be supplied as the Constitution prescribes.

SEC. 2.—*Be it further enacted*, That if the officer so refusing or neglecting, be a County Officer, the District Chief shall immediately, after the expiration of the notice required to be given by the preceding section, or in case of the conviction of a County Officer, as therein specified, certify the fact to the Principal Chief, who shall thereupon vacate the commission or appointment of such County Officer, and the vacancy occasioned thereby shall be supplied in the manner as prescribed in the Constitution for filling the like vacancies.

SEC. 3.—*Be it further enacted*, That if any National or County Officer shall be found by inquest, according to law, an idiot, lunatic, or *non compos mentis*, during the time for which he is elected or appointed, or shall, during such time, be found, by



the verdict of a jury, guilty of any felony, infamous crime, corruption or peculation in office, gambling with public money in this Nation, which may have come into his hand by virtue of his office, the commission of every such officer shall be deemed and held and vacated, and such vacancy shall be supplied as the Constitution provides.

SEC. 4.—*Be it further enacted*, That the Principal Chief shall, at stated times, require information, in writing, from all officers in the Executive Department, on any subject relating to their duties, and embody such parts of the same as are of public concern in his communication to the General Council, to be made from time to time. The Principal Chief shall procure, at an early day, at the cost of the Nation, a great seal of the Nation, with the words "The great Seal of the Choctaw Nation," around the edge, and a design of an unstrung bow, with three arrows and a pipe-hatchet blended together, engraven in the centre, which shall be the proper seal of this Nation until altered by the General Council, with the concurrence of both Houses thereof. Until said seal is procured, all official acts of the Principal Chief and National Secretary, shall be valid with the use of their private scroll or seal, with the words annexed, "there being no public seal."

SEC. 5.—*Be it further enacted*, That the Principal Chief shall have the superintendence of the offices of National Treasurer and National Auditor, during the recess of the General Council, and he shall take care that they respectively perform the duties required of them by law, without fraud, partiality or delay; and if it shall satisfactorily appear to him at any time that the money or other property of the Nation, in the Treasury has been misapplied, wasted, or embezzled, he shall direct the National Attorney, or District Attorney, to proceed according to law, against such defaulter on his or their bonds.

SEC. 6.—*Be it further enacted*, That the Principal Chief of



this Nation shall have full power and authority, whenever he may think the public interest requires it, to make a personal inspection of all the books, vouchers, and other official papers in the offices of the National Auditor and National Treasurer, and to count the moneys in the Treasury.

SEC. 7.—*Be it further enacted*, That if the Principal Chief of this Nation shall discover, or have cause to suspect any embezzlement, peculation, defalcation or frauds to have been committed or perpetrated in either of these departments of the government, he shall forthwith apply to any Judge for a warrant, to arrest the officer in whose office such embezzlement, peculation, defalcation or fraud shall have been committed or suspected to have been committed. And it shall be the duty of such Judge to grant the said warrant or other process, and to have such officer arrested and brought before him for trial and examination. And if the said Judge shall certify that after a full and perfect examination of all the facts in the case there is probably ground to believe that said officer has been guilty of some embezzlement, defalcation, peculation or fraud, then the Principal Chief shall suspend the said Auditor or Treasurer, as the case may be, from the further exercise of his official duties, and to make a temporary appointment to fill his place until the Court of the County shall determine that said officer was improperly removed or suspended, or that the same was done without a sufficient cause.

SEC. 8.—*Be it further enacted*, That a sum not exceeding four hundred dollars shall be annually appropriated for the use of the Executive Department of the government for the contingent expenses thereof, to be accounted for by the Principal Chief to the General Council at each session thereof; and it shall be the duty of the National Auditor, from time to time, on the written order of the Principal Chief, stating the uses of any sum of money for contingent purposes, to issue his warrant on the Treasury of the Nation therefor.

SEC. 9.—*Be it further enacted*, That no officer of the Nation shall enter into a contract of any kind on behalf of the Nation, without being specially authorized thereto by law.

SEC. 10.—*Be it further enacted*, That the Principal Chief of this Nation shall receive for his services the sum of one thousand dollars a year, payable quarterly, from the date of his installation, out of the Treasury of the Nation, upon his written order at such times, and the National Auditor shall issue his warrant therefor, and the National Treasurer shall pay the same.

SEC. 11.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved October 16th, 1860.

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AN ACT entitled an act to define the duties of the District Chiefs of the Choctaw Nation and fixing the pay of each.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That there shall be elected by the qualified voters of the Choctaw Nation, at the time and in the manner prescribed by the Constitution, District Chiefs in each District of this Nation, who shall be commissioned by the Principal Chief, and shall continue in the office for the term of two years from the time of his having been qualified unless sooner removed, and until their successors be duly qualified; and before they enter upon the discharge of their official duties, they shall take the oath prescribed in the Constitution before the Principal Chief or any Judge of the Supreme or Circuit Courts, County Judge of any County in the Nation.

SEC. 2.—*Be it further enacted*, That each Chief shall be within his District a general conservator of the peace, and for this purpose he shall have power to appoint sufficient

number of light-horse men in their respective District to wit: In Apuckshunubbee District, Towson County, three light-horse men; Red River County, three; Boktuklo County, two; Eagle County, two; Nashoba County, one; Wade County one, and Cedar County two; in Pushamataha District, Kiamichi County, three light-horse men; Blue County, three; Atoka County one, and Jack's Fork County one; in Mosholatubbee District, Skullyville County, three light-horse men; Sugar-Loaf County, two; Sans Bois County, two; Gains County one, and Tobucksy County one light-horse man; he shall see that the laws are faithfully executed, especially, "An act entitled an act to prevent the introduction and use of intoxicating liquor in the Choctaw Nation," executed by the proper officers having charge of them, and report to the Principal Chief, for the information of the General Council, any failure occurring therein; he shall recommend to him from time to time any matter for the general good, and when the Principal Chief shall deem it proper and expedient, and shall give them written notice of the time and place of meeting, they shall compose an Executive Council, to furnish any desired information respecting their several Districts.

SEC. 3.—*Be it further enacted*, That said Chiefs shall in no manner interfere with the proper exercise of the duties prescribed by law of any officers in this Nation, excepting only the light-horse men under his immediate control, National, Circuit, or County Court, Executive, Ministerial, or Judicial, and upon presentment and conviction thereof before any Circuit Court of this Nation, shall be deemed guilty of misdemeanor in office, and they shall be removed from office by impeachment, and the vacancy so occurred shall be filled by the Principal Chief, as provided in the Constitution.

SEC. 4.—*Be it further enacted*, That the Chief of each District shall be entitled to and receive as a compensation for his services a sum at the rate of two hundred and fifty dollars a year, payable quarter-yearly out of the National Treas-



sury, upon the National Auditor's warrant, issued in like manner with warrants for other officer's salaries.

SEC. 5.—*Be it further enacted*, That each Chief in their respective District to furnish the list of the names of the light-horse men to the Principal Chief of the Choctaw Nation, who shall receive their commissions from the Principal Chief, and shall take the oath of office before they enter upon their official duties by the District Chief, or any Judge of the Nation, and subscribed on the back of their commission, and who shall serve for the term of two years, unless sooner removed by the District Chief.

SEC. 6.—*Be it further enacted*, That such light-horse men shall be entitled to receive as a compensation for their services, a sum of one hundred and fifty dollars a year each, to be paid quarter-yearly on the District Chief's order to the National Auditor, who is directed to issue his warrant on the National Treasury for the same.

SEC. 7.—*Be it further enacted*, That each District Chief of this Nation shall attend the Circuit Courts of his own District to address the people on the importance of obeying and enforcing the law, and maintaining good order throughout this Nation, and also to the practice of temperance, industry and morality.

SEC. 8.—*Be it further enacted*, That all acts and parts of acts heretofore passed, coming in conflict in anywise with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 24th, 1860.



AN ACT entitled an act to prescribe the duties of the National Secretary, and to establish his salary.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the Principal Chief of the Choctaw Nation shall appoint in the manner prescribed by the new Constitution, a National Secretary, who shall reside at, or near, and keep his office at the seat of government; he shall carefully preserve the official books, public library, papers, records and furniture belonging to the same.

SEC. 2.—*Be it further enacted,* That it shall be the duty of the National Secretary to take charge of and safely keep in his office the journals, papers, documents and proceedings of both Houses of the General Council during the recess thereof, and the Secretary of the Senate and Clerk of the House of Representatives shall deliver to him, immediately on the adjournment of the General Council, every document and paper in anywise appertaining to the same. The National Secretary shall also collect together and take charge of all books, papers, documents, journals of both Houses of the General Council, and manuscript and printed laws passed under Skullyville Constitution in the hands of the late Governor, National Secretary, and other persons belonging to the Nation.

SEC. 3.—*Be it further enacted,* That the National Secretary shall, as soon as practicable after the adjournment of the Council, and until the laws are printed and distributed, cause to be made three correct copies of the acts and resolutions of each session for the use of the Judges of the Circuit Courts; and the person he shall employ to copy the same shall be allowed five cents for every hundred words thereof. On the certificate of the National Secretary the National Auditor shall issue his warrant on the National Treasury for the amount.

SEC. 4.—*Be it further enacted,* That the National Secretary shall, upon application of any person or persons, make out a

correct copy or copies of any act or acts of the General Council, and certify the same to be correct in his official capacity, and shall be entitled to receive for the same six cents for every hundred words thereof, and the National Secretary shall, as soon as practicable, make out or cause to be made out, without charge, a correct copy of all acts and resolutions passed by the General Council that may be required by the Principal Chief, for the purpose of having the same printed.

SEC. 5.—*Be it further enacted*, That when laws of this Nation shall be printed, the National Secretary, under the direction of the Principal Chief, on receiving such number of copies of the laws, shall forthwith cause disposition and distribution thereof as follows: to each County Judge, County Treasurer, Sheriff, Light-horse men, Clerk of the Circuit Court, District Attorney, Circuit Judge, Supreme Judge, Auditor, Treasurer, National Attorney, Secretary, and the Principal Chief, one copy, the remaining copies, except otherwise disposed of, to be deposited in the office of the National Secretary, for future distribution, according to law.

SEC. 6.—*Be it further enacted*, That the National Secretary shall keep a fair register of all the official acts and proceedings of the Principal Chief, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before the General Council, and shall perform such other duties as shall, from time to time, be required of him by law; he shall keep and preserve the returns of all elections held in this Nation, and lay the same and all other official documents before the General Council when thereto required, and he shall receive for his annual salary, in quarterly payments, after the same shall have been audited according to law, the sum of six hundred dollars.

SEC. 7.—*Be it further enacted*, That whenever any person shall desire a certificate under the seal of this Nation, of official character, of any Judge, or other officer of this Na-

tion, it shall be the duty of the National Secretary to furnish the same, under the seal of the Nation, signed by the Principal Chief, and counter-signed by himself, and for every such certificate so issued, the National Secretary may be entitled to demand and receive from the person desiring the same, fifty cents, out of which he shall defray all expenses attending the same.

SEC. 8.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved. October 16, 1860.

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AN ACT entitled an act to define the duties of the National Treasurer, and to fix his salary.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, There shall be appointed the National Treasurer of the Choctaw Nation, in the manner prescribed in the new constitution, who shall be commissioned by the Principal Chief, and shall hold his office for the term of two years, and until his successor be duly qualified, unless sooner removed; he shall keep his office at the seat of Government, at or near which he shall reside; and before he shall enter upon the discharge of his official duties he shall take the oath prescribed in the Constitution before any Judge of the Supreme Court and Circuit Court, or County Judge of any county in this Nation, and enter into bond with two or more good and sufficient securities, to be approved of by the Principal Chief, in the penalty of twenty thousand dollars, payable to the Principal Chief of the Nation by name for the time being and his successors in office, conditioned as hereinafter directed.

SEC. 2.—*Be it further enacted*, The condition of the Treasurer's bond shall be in the form, or to the effect following,



to wit: "The condition of the above obligation is such that whereas the above bound. — was on the — day of — one thousand eight hundred and —, duly appointed as the Constitution prescribes, the Treasurer of the Choctaw Nation for the Constitutional term of two years, from the date of this bond and his oath of office, hereon written. Now, therefore, if the said — shall from time to time, and at all times, render a just and true account to the General Council of the Choctaw Nation, when by them thereto required, of all moneys, securities, and other property of the said Nation, which shall come into hands or be committed to his charge, and deliver the moneys, securities, and other property of the said Nation, in his hands at the expiration of his term of office, together with all documents, instruments of writing, papers or books, which shall be made, done or committed by him, or by any person or persons, by him employed in said office, then this obligation to be void, otherwise to be and remain in full force and virtue," which bond shall be submitted to the Principal Chief, and his approbation of the securities therein named shall be endorsed thereon, as also the oath of office written and certified by the person administering the same, with the proper date, which bond so approved and prepared shall be deposited in the office of the National Secretary, there to be recorded and safely kept and preserved, and the said bond shall not be void on the first recovery, but may be put in suit and prosecuted on from time to time, at the cost and charges of any party injured, until the whole amount of the penalty thereof shall have been secured, and an authenticated copy of the said bond shall be received in evidence in any court of law or equity in this Nation, and shall be as authentic and valid, as matter of evidence, as the original would be if it were produced in court.

SEC. 3.—*Be it further enacted*, No commission shall issue to the National Treasurer appointed, until bond and security



be given, approved of and deposited in the Office of the National Secretary, as hereinbefore required, and if the same National Treasurer appointed shall refuse to enter into bond and security as aforesaid, after he shall have been duly appointed and informed thereof officially, such appointment is hereby declared to be absolutely null and void, and the vacancy occasioned thereby shall be immediately filled in such manner as provided in the Constitution.

SEC. 4.—*Be it further enacted*, It shall be the duty of the National Treasurer to receive and keep the moneys of the Nation, to disburse the same agreeably to law, and take receipts or vouchers for all moneys which he shall disburse; he shall keep regular, fair and proper accounts of the receipts and expenditures of the public money; he shall open an account in his books in the name of the Choctaw Nation, in which account he shall enter the amount of all moneys, securities and other property in the Treasury, which may, at any time, be received by him, keeping the receipts and disbursements for each fiscal year in separate accounts and closing each with the close of said year; he shall also open an account in the books of the Treasury for all appropriations of money made by law, so that the appropriations of money, and the application thereof, conformably thereto, may clearly and distinctly appear on the books of the Treasury; and it shall be the duty of the Treasurer to pay the salaries of all public officers entitled thereto, quarter-yearly, on the Auditor's warrant, unless the time of the payment of the same be otherwise provided for by law.

SEC. 5.—*Be it further enacted*, It shall not be lawful for the National Treasurer to pay, or receive any money on account of the Nation, but on the warrant or certificate from the Auditor; the National Treasurer shall, at the commencement of every session of the General Council, make to them a detailed report of the receipts and expenditures of the fiscal year, and whenever the revenue is likely to prove insuffi-

cient for the expenditures of the Nation, he shall subjoin to his report such recommendations to the General Council as may, in his opinion, be best suited to supply the deficiency.

SEC. 6.—*Be it further enacted*, It shall be the duty of the National Treasurer to state, in the books of the Treasury, separately and distinctly, the amount of money received by him on account of permanent annuities, interest on trust funds, debts, fines, penalties and forfeitures, or on any other account whatsoever, for or in behalf of the Nation, and also an account of the sums he shall pay out of the same, so that the net produce of the whole revenue, and every branch thereof, and the amount of disbursements in payment of the several demands on the Treasury may clearly and distinctly appear; and it shall also be his duty to examine whether any Auditor's warrant has been issued agreeable to law, or is signed with the genuine signature of the Auditor, before he shall pay the same, and, after making due examination, if he shall find such warrant to have been duly and properly issued, he shall pay the amount called for by the same to the person entitled to receive it, taking his or her receipt thereon, and shall make proper entry in his books of every Auditor's warrant, and shall keep the same regularly filed in his office.

SEC. 7.—*Be it further enacted*, If the National Treasurer shall misapply, waste, or embezzle any money, securities, or other property in the Treasury, it shall be the duty of the National Attorney or District Attorney, in the absence or inability to act of the National Attorney, to proceed against such defaulting Treasurer and his securities, for the amount of moneys, securities and other property so misapplied, wasted or embezzled, by motion in the name of the Principal Chief of the Nation for the time being in the Circuit Court of the County wherein the seat of Government is situated, ten days' previous notice of such motion being first

given to Treasurer and securities ; and the Court may, on the hearing of such motion, direct a jury to be impaneled *instantly*, for the trial of the issue of the defendants, or either of them to appear and plead, or to inquire of damages of the defendant or defendants, make default, and if on such trial the Treasurer be convicted, he and his securities shall be adjudged to pay double damages ; and, moreover, such Treasurer shall be thereby rendered incapable thereafter of holding any office of profit or honor with and under authority of the Nation.

SEC. 8.—*Be it further enacted*, That it shall be the duty of the National Treasurer to furnish to the Principal Chief, from time to time, when thereto required, a full and complete statement in tabular form, of the situation of public finances, and of the proceedings in his office ; the books and accounts of the Treasurer shall, at seasonable times, be open to the inspection of the National Auditor. The National Treasurer shall furnish the National Auditor, monthly during each fiscal year, with a list of the receipts at the Treasury, numbered as the warrants on which they are founded, and stating in whose name the several receipts have been given, their respective duties, amounts, and numbers.

SEC. 9.—*Be it further enacted*, That the payee of every warrant issued by the National Auditor shall immediately take the same to the National Treasurer, whose duty it shall be to countersign and register the same in a well bound book, to be kept in his office for that purpose, in which the Treasurer shall note particularly the number of warrants, the amounts, date, and the day on which he countersigned and registered the same, and no warrant which has not been so countersigned and registered shall be transferable or receivable for public duties.

SEC. 10.—*Be it further enacted*, That it shall be the duty of every person or persons paying warrants or grand jury tickets for public duties to the Nation, to endorse his name



upon such warrants or grand jury tickets, and no warrant or grand jury ticket hereafter issued shall be received for any public dues, without the same shall have been so endorsed.

SEC. 11.—*Be it further enacted*, That it shall be the duty of the National Treasurer to demand and receive from the former National Treasurer in office, under Skullyville Constitution, all moneys, securities, books, accounts, receipts, vouchers, papers, and other documents in his hands, belonging to his office, which remain the property of the Nation; together with a full statement in writing, signed by him, explaining the same, and the business of the office generally; and that the National Treasurer safely keep and preserve the same in his office.

SEC. 12.—*Be it further enacted*, That the National Treasurer shall not disburse any of the public moneys, except upon the pay warrant of the National Auditor, and that when such disbursement is made, he shall make an entry of the date of said warrant in his office, with the word "paid" written in a large, legible hand across the face thereof, and such warrant shall be a full and sufficient voucher for the payment of the same, without the receipt of the person to whom it shall have been paid being given, either upon said warrant or otherwise.

SEC. 13.—*Be it further enacted*, That when any person shall desire to make any payments in Auditors' warrants into the Treasury it shall be the duty of the National Auditor, before issuing his receipt warrant authorizing such payment, carefully to examine all such warrants, and if he shall have any doubts of the genuineness of any warrant he shall compare said warrant with the entries of warrants upon his books and with the entries made in the disbursement book in the Treasurer's office; and on the back of all such warrants as he shall judge genuine he shall write the word "genuine," and underneath he shall sign his name officially, and the National



Treasurer shall not receive any warrant in payment of public dues unless it shall have said endorsement of the Auditor upon the same, and it shall be the duty of the National Treasurer before he shall receive in payment or grant his receipt to any person, paying said warrant into the Treasury, to have the same compared with the entries upon his disbursement book, and if he find that no warrant has been entered in said book, having the same number, bearing date in the same year, or issue to the same person on the same account of expenditure he shall immediately enter said warrants on said disbursement book, and receive them in payment and receipt for the same, and the Treasurer shall not thereafter be liable for the amount of any said warrants, should they prove to be forgeries or spurious, unless proof be made that he received them through carelessness or with fraudulent or felonious intent, or without a compliance with the provisions of this act.

SEC. 14.—*Be it further enacted*, That if the National Auditor shall willfully, corruptly, or with felonious attempt endorse the word "genuine" and his name upon any such warrant, or with a view to commit a fraud upon the Treasury, upon conviction thereof before any court of competent jurisdiction, he shall be fined in a sum equal to double the amount of the warrant so endorsed and be imprisoned in the nearest jail for not less than six months nor more than eighteen months, at the discretion of the Court, and be for ever after disqualified from holding any office of profit or honor in this Nation.

SEC. 15.—*Be it further enacted*, That the National Treasurer shall be entitled to receive as a compensation for his services the sum of six hundred dollars a year, payable quarter yearly out of the National Treasury upon the Auditor's warrant issued in a like manner with warrants for other officers' salaries.

SEC. 16.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any wise in conflict with

the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 26th, 1860.

GEORGE HUDSON, P. C. C. N.

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AN ACT entitled an act to define the duties of the National Auditor and to fix his salary.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* The Principal Chief shall appoint in the manner prescribed by the new Constitution, a person to be National Auditor who shall continue in office for the term of two years from the time of his having been qualified in the manner hereinafter mentioned, unless sooner removed, and unless his successor be duly qualified; he shall reside at or near and keep his office at the seat of government, and before he enters upon the duties of his office he shall take and subscribe the oath prescribed in the Constitution before some one of the Judges of the Supreme Court, or County Judge of any county in this Nation, and enter into bond with two or more good and sufficient securities to be approved by the Principal Chief, in the penalty of ten thousand dollars, payable to the Principal Chief of the Nation for the time being, and his successor in office conditioned as hereinafter directed.

SEC. 2.—*Be it further enacted,* That the condition of the National Auditor's bond shall be in the form as to the effect following, to wit: The condition of the above obligation is such, that, whereas, the above bound ———— was duly appointed as specified in the Constitution of the Choctaw Nation, National Auditor of the Nation aforesaid, for the term of two years, from the date of the commission of the qualification and oath of office herein written; now, therefore, if the said ———— shall faithfully, impartially, and

without delay grant and issue his warrant or warrants on the National Treasurer for all such sums of money due and payable by law out of any money in the treasury not otherwise appropriated, on the application of any person or persons lawfully entitled to any such warrant or warrants, and shall from time to time, and at all times, render a just and true account of all warrants, in regular order, and all other proceedings in his office to the General Council of the Nation when thereunto required, and shall carefully keep and preserve the books, records, papers and other things belonging to his office, and deliver the same without injury or damage to his successor in office; and further, shall well and truly do and perform all other duties required by law of the National Auditor during his continuance in office, then this obligation to be void, otherwise to be and remain in full force and virtue; which bond shall be submitted to the Principal Chief, and his approbation of the sureties therein named endorsed thereon, and the same deposited in the office of the National Secretary, there to be recorded and safely kept and preserved therein; and said bond shall not be void on the first recovery, but may be put in suit and prosecuted on from time to time at the cost and charges of the party injured, until the whole amount of the penalty thereof be recovered. Whenever it may become necessary to institute suit on any Auditor's bond, an authenticated copy of the same shall be received in evidence in any court in this Nation in the same manner it shall be of the same validity as evidence as the original would be if it were present in court.

SEC. 3.—*Be it further enacted*, That no commission shall issue to the National Auditor appointed until bond and security be given, approved, and deposited in the office of the National Secretary as herein before required; the oath of office shall be written upon the bond by the person administering the oath to the Auditor, and if the person appointed as Auditor fail to give bond and security as aforesaid. after



he shall have been duly appointed and informed thereof officially for the space of ten days, such appointment is hereby declared absolutely null and void, and the vacancy occasioned thereby shall be filled in such manner as prescribed in the Constitution for filling vacancies.

SEC. 4.—*Be it further enacted*, That the fiscal year of this Nation shall commence on the first day of August in each and every year and terminate on the last day of July next ensuing. And the Auditor shall begin on the first day of such year annually and number each warrant on the Treasury for the payment of money from number one, and so on progressively, until the end of the said year.

SEC. 5.—*Be it further enacted*, That the National Auditor shall at the commencement of every session of the General Council make out to them a detail report of the receipts and expenditures of the public moneys for the term succeeding his last report, and he shall annually at the close of the fiscal year, make out and submit to the Principal Chief the like report of receipts and expenditures for the year, and it shall be the duty of the Principal Chief to hold the same open for the inspection of any citizen of the Nation. The report of the National Auditor when made to the General Council, shall be accompanied with such remarks by him as may serve to explain the same, to point out any defects in the laws, respecting the duties of his office, and to suggest the proper remedies therefor, together with such plans as he may deem advisable for improving or increasing the revenue of the Nation.

SEC. 6.—*Be it further enacted*, That all warrants drawn by the National Auditor upon the National Treasury, shall express by references to some one general head of expenditure the cause for which they were drawn, and when the said warrants are drawn for sums chargeable upon the revenue of a different year from out of which they are paid, the sum shall be expressed; and all certificates or receipt warrants



to the Treasury, to receive any money due to the Treasury, shall express upon the face thereof the particular head of general revenue on account of which such sum is due, and when the sum is due for the revenue of the past year, that, also shall be expressed upon the face of such certificate or receipt warrant. All warrants issued by the Auditor shall be made payable to order, and shall be negotiable by endorsement and not otherwise. The payee of each warrant issued shall immediately take the same to the National Treasurer, whose duty it shall be to countersign and register the same in a well bound book to be kept in his office for that purpose, in which the Treasurer shall note particularly the number of the warrant, the amount, date, and the day on which he countersigned and registered the same; and no warrant which has not been so countersigned and registered shall be receivable as public dues.

SEC. 7.—*Be it further enacted*, That it shall be the duty of any person or persons paying warrant or grand jury ticket to any person or officer for public dues to the Nation, to endorse his name upon all warrants or grand jury tickets, and none shall be received for any public dues without the same shall have been so indorsed.

SEC. 8.—*Be it further enacted*, That the National Auditor be authorized and required to procure and keep a book in which he shall enter the name of each county and individual having dealings with said officer, exhibiting the debts and credits on opposite pages.

SEC. 9.—*Be it further enacted*, That it shall be the duty of the National Auditor, with the approbation of the Principal Chief of this Nation, to purchase all needful supplies of books and stationery and fuel for the General Council and National officers, and to issue his warrants on the Treasury for the amount of such purchases in favor of the persons from whom such purchases shall be made; *Provided*, they shall not exceed the sum of two hundred dollars in any one year, and

shall file the receipts of the persons from whom such purchases are made as vouchers in his office ; and he shall moreover, at the commencement of each session of the General Council, make a detailed report of the purchases made by him as aforesaid, and the prices at which they were made.

SEC. 10.—*Be it further enacted*, That when any allowance shall be made by any Court of this Nation to any of its officers, or to any other person, the clerk of said court shall make out a fair copy of the account so allowed and certify such allowance under his hand and seal of office, reciting therein the particular law under which it was made ; and the National Auditor shall issue his warrant therefor, if he has no doubt of the propriety of such allowance ; and if he has such doubt, he shall not issue his warrant therefor on the National Treasurer but shall report the same to the succeeding General Council, and no Court shall be authorized to make any allowance unless it be provided for by some act of the General Council or clause of the Constitution.

SEC. 11.—*Be it further enacted*, That the National Auditor shall procure a seal of office with the words “ Auditor’s Office, Choctaw Nation ” around the margin and a tomahawk and a reaping hook in the centre thereof, to be purchased and paid for in the manner of other purchases provided for in Section 9 of this act.

SEC. 12.—*Be it further enacted*, That it shall be the duty of the National Auditor to examine, state, settle, and audit all accounts, claims, or demands whatever against the Nation, arising under any act or resolution of the General Council, and to grant to every claimant authorized to receive the same, a warrant on the National Treasury under his hand and seal of office, making due entry and register of all his proceedings in a book to be kept for that purpose, and carefully arranging filing and preserving in his office all accounts, receipts, vouchers and papers touching the same ; to examine, settle

and audit the accounts for annuities and interest on trust fund or any other dues of the United States payable to the National Treasurer, and all other accounts due and payable to the National Treasurer from any other source provided by law; to call upon all such debtors to render accounts and pay into the Treasury all sums and balances due, and on failure to do so, if the debtor be the Government of the United States, to use the best means to ensure the early payment thereof; and if the debtors be citizens of the Nation to institute proceedings against them according to law; to state and keep the accounts so as to show the amounts of all warrants drawn by him on the Treasurer, and for what services or articles of public expenses they were given; and to lay before the General Council and Principal Chief, when thereto required, the general accounts, together with an account of all balances due to and from the Nation.

SEC. 13.—*Be it further enacted*, That it shall be the duty of the National Auditor to draw special warrants on the National Treasurer when he shall be thereto required, for all moneys which by law are or may be directed to be paid out of the National Treasury by special warrant only, which warrant shall express on what particular account such money is due or paid by the Nation; and he shall take a receipt for every warrant issued by him and keep the same regularly filed in his office.

SEC. 14.—*Be it further enacted*, That the National Auditor shall not issue any warrant upon any allowance made to or claim in favor of any person, his agent or assignee, who may be a debtor to the Nation against whom the money shall be due or balance existing in favor of the Nation, but he shall allow such debtor a credit on his account for such allowance or claim, and it shall be his duty to furnish the National Treasurer monthly with an account of all warrants on the Treasury which he shall have issued during the preceding month.



And it shall be the further duty of the National Auditor to furnish to the Principal Chief from time to time, when thereto required, besides the periodical reports required by this act, a full and complete statement of the situation of the public finances and of the proceedings of his office.

SEC. 15.—*Be it further enacted*, It shall be the duty of the National Auditor to demand and receive from the National Auditor under the Skullyville Constitution, all books, accounts, receipts, or vouchers, papers and other documents in their hands belonging to their respective offices which remain the property of the Nation; together with a full statement in writing of the number, date, amount, and person to whom issued, if practicable, of each outstanding warrant and such other information as may be necessary to explain the condition of the business of each officer at the time he receives said books and other property of the Nation, and that the same be safely kept and preserved in his office.

SEC. 16.—*Be it further enacted*, That the National Auditor shall be entitled to receive as a compensation for his services the sum of six hundred dollars a year, payable quarterly, out of the National Treasury, from the date of the execution of his bond and its approval by the Principal Chief. He shall make out his account for each quarter's salary, and receive the approbation of the National Secretary thereon in writing, and shall file the same as a voucher for the warrant he shall issue in his own favor, placing his own receipt on said voucher as in other cases.

SEC. 17.—*Be it further enacted*, That all acts or parts of acts heretofore passed coming in conflict in any manner with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 29, 1860.



AN ACT entitled an act defining the duties of the National Attorney, and fixing his salary.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That there shall be appointed, as the Constitution provides, a National Attorney for the Nation, who shall continue in office during the term of two years, and who shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the Constitution, which oath shall be administered by the Principal Chief of the Nation, any Judge of the Supreme, Circuit, and County Court, and certified on his commission: and the National Attorney so appointed shall be of counsel for the Nation in all cases whatever triable and determinable in the Supreme Court of the Nation, and it shall be his duty to attend the Supreme Courts at each term thereof, and to appear and prosecute for the Nation in all criminal prosecutions, and in all civil cases in which the Nation or any county thereof may be interested: *Provided,* That if the National Attorney fail to attend at any term of the Supreme Court, the said Supreme Court is hereby authorized to employ some attorney to act for the Nation in the place of said National Attorney; and the attorney so employed shall for his services be paid by the National Attorney such sum as shall be allowed by the Supreme Court, not in one case to exceed one-fourth part of the annual salary of said National Attorney.

SEC. 2.—*Be it further enacted,* That all accounts of a public nature properly coming before the Supreme Court for allowance shall be presented to the National Attorney, and his opinion thereon obtained, in writing if necessary; and it shall also be his duty to give his opinion in writing in all cases touching the public interest when thereunto required by the Principal Chief of the Nation. He shall, also, at the request of the National Auditor and National Treasurer, or

either of them, give his opinion in writing upon all cases concerning the revenue or expenses of the Nation.

SEC. 3.—*Be it further enacted*, That the National Attorney shall keep his office at the seat of Government, at or near which place he shall reside.

SEC. 4.—*Be it further enacted*, That if the National Attorney shall in any manner consult, counsel, advise, or defend a person within this Nation charged with any crime or misdemeanor, or breach of any penal statute, said National Attorney so offending shall on conviction thereof in any court of competent jurisdiction, be fined in a sum not exceeding two hundred dollars, and shall, moreover, be removed from office, and be rendered incapable thereafter of filling any office of profit or honor in this Nation.

SEC. 5.—*Be it further enacted*, That it shall be the duty of the National Attorney, whenever he may be requested, to give his opinion in writing to any District Attorney upon any case then pending in which the Nation may be interested, and which may be necessary for such District Attorney to prosecute or defend.

SEC. 6.—*Be it further enacted* That the National Attorney shall be entitled to receive, as a compensation for his services, the sum of four hundred dollars a year, payable quarterly, out of the National Treasury, upon the issuance of the National Auditor's warrant, in like manner with other officers' salary.

SEC 7.—*Be it further enacted*, That all acts or parts of acts heretofore passed, in anywise coming in conflict with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 24th, 1860.

AN ACT entitled an act prescribing the manner of organizing the General Council of the Choctaw Nation, and establishing the pay of its members and officers.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* There shall be four Senators elected in each District of this Nation, by the qualified electors, at the time and places of holding the general elections; that at the beginning of every regular annual session hereafter convening, on a quorum of the Senate appearing in the Senate Chamber, they shall call some Senator to the chair, who shall call upon some one of the Supreme Judges, to administer the oath prescribed in the Constitution to the Senators, when they shall proceed to elect a president of the body in such manner as they may, by rule, determine. The Senate shall then elect, also, in the manner they may, by rule, determine, a secretary and doorkeeper, to whom the President shall administer the oaths of office, and also to other Senators who may thereafter appear, and all other officers of the Senate.

SEC. 2.—*Be it further enacted,* That at the beginning of each and every regular session of the General Council, hereafter convening, on a quorum of the members of the House of Representatives appearing in the Representative Chamber, they shall call some member to the chair, which member shall call upon one of the Supreme Judges to administer the oath, required by the Constitution, to the members present. The House of Representatives shall then proceed to elect a Speaker; they shall then elect, in such manner as they may by rule determine, a clerk and a doorkeeper, and the Speaker shall have power to administer the oath of office to the clerk, the doorkeeper, and other members who may thereafter appear.

SEC. 3.—*Be it further enacted,* That hereafter there shall be elected by both Houses of the General Council of this Nation, in joint session, during the first week of each and every



regular session thereof, in such manner as they may determine at the time, a sergeant-at-arms, who shall be the peace officer of the General Council, and perform such other duties as they may prescribe, and to whom the President of the Senate, while in session, shall administer the oath prescribed by the Constitution in presence of that body.

SEC. 4.—*Be it further enacted*, That the President of the Senate and the Speaker of the House of Representatives shall each be entitled to receive four dollars per day, and each other member of the Senate and of the House of Representatives three dollars for each and every day's attendance at the General Council, and shall, moreover, be allowed, at the commencement and end of every session, at the rate of three dollars for every thirty miles of the estimated distance by the most direct land route of travel, in coming to and returning from the place where the General Council shall sit; and if any member of either house—the President of the Senate or the Speaker of the House—shall be detained by sickness, in coming to or returning from any session of the General Council, or be unable to attend the House to which he belongs, he shall be entitled to the same daily allowance.

SEC. 5.—*Be it further enacted*, That the Recording Secretary of the Senate, and Clerk of the House of Representatives, shall each be allowed four dollars per day; and the Recording Secretary of the Senate, with the approbation of the President of the Senate, and the Clerk of the House of Representatives, with the approbation of the Speaker of the House of Representatives, shall each appoint as many clerks as may, from time to time, be necessary to the dispatch of business in their respective Houses, who, when employed, shall be allowed two dollars per day, and the door-keeper of each House shall be entitled to two dollars and a half per day; and the sergeant-at-arms shall be entitled to three dollars per day; the journalist of the



Senate, and journalist of the House of Representatives, shall each receive for their services three dollars per day, upon the certificate of the President of the Senate for the journalist thereof, and the certificate of the Speaker of the House of Representatives for the journalist thereof, and, on presentation, the National Auditor is hereby required to issue a warrant on the National Treasury for the same.

SEC. 6.—*Be it further enacted*, That the compensation which shall be due to the members and officers of the General Council shall be certified by the President and Speaker, respectively, to the National Auditor, who shall issue his warrant on the National Treasurer, which shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 7.—*Be it further enacted*, That all witnesses that may be legally summoned, on behalf of this Nation, to attend any future session of the General Council, in either branch thereof, for the purpose of giving testimony in cases of impeachment, or other matter of investigation, when such testimony may be lawfully required, shall be allowed the sum of two dollars for each and every day he, she, or they may be so in attendance; and also the further sum of five cents for each and every mile he, she, or they may travel in going to and returning from the place where such testimony may be rendered.

SEC. 8.—*Be it further enacted*, That the sum or sums due to such witness, shall be ascertained by the oath or affirmation of such witness, his agent, or attorney, which oath or affirmation the clerk of the House of Representatives, or secretary of the Senate, as the case may be, is hereby authorized to administer, and thereupon to issue a certificate to such witness for the full amount of the sum so ascertained.

SEC. 9.—*Be it further enacted*, That the National Auditor on the production of such certificate, is hereby authorized and required to issue his warrant on the National Treasury for the payment thereof.

SEC. 10.—*Be it further enacted*, That it shall be the duty of the doorkeeper, when the two Houses adjourn, to collect all the remaining stationery and furniture purchased for the use of the General Council, and deliver it to the National Secretary and take his receipt for the same.

SEC. 11.—*Be it further enacted*, That all acts, or parts of acts heretofore passed in anywise coming in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 29, 1860.

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AN ACT entitled an act to establish and organize the Supreme Court, and to define the power and jurisdiction thereof, and to fix the salaries of the Judges.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall be established in this Nation, a court to be styled the Supreme Court of the Choctaw Nation, to consist of three Supreme Judges, to be elected by the joint vote of the two Houses of the General Council; which judges, or a majority of them, shall have the power to appoint a clerk of said court, to hold his office for the term of four years from the date of his commission.

SEC. 2.—*Be it further enacted*, That each Judge of the Supreme Court, before he enters on the duties of his office, shall take and subscribe the oath required in the Constitution, endorsed upon the back of his commission, which oath may be administered by the Principal Chief, or any Judge of the Nation; and said commission and oath shall be recorded by the clerk of said Court, upon the minutes of said Court.

SEC. 3.—*Be it further enacted*, That the said Supreme Court shall have jurisdiction over, and shall hear and determine all manner of pleas, complaints, motions, causes and controversies, civil and criminal, which are now pending therein, as organized under the new Constitution, or which may be brought before it from any Circuit Court of law or County Court of any county in this Nation either by appeal, writ of error, *supersedeas*,\* or other legal process, and which shall be cognizable in said court according to the Constitution and laws of this Nation; *provided*, that no appeal, writ of error, *supersedeas* or other process shall be granted in any manner whatsoever until after final judgment or decree in the court below, except in cases specially provided for by law.

SEC. 4.—*Be it further enacted*, That the Supreme Court or any judge in vacation shall have power to issue writs and other process necessary to their appellate jurisdiction, and may grant writs of error or *supersedeas* to the judgments or decrees of the Circuit Courts of law, in all cases wherein writs of error or *supersedeas* may be by law allowed, in the manner, and on the terms and conditions prescribed by law in such cases; and also to grant writs of *habeas corpus*, *certiorari*, *ne esteat*,\* and all other remedial writs and process grantable by said judges by virtue of their office, agreeably to the principles and usages of the common law, returnable as the law directs, either to the Supreme Court or before any judge of said court as the nature of the case may require.

SEC. 5.—*Be it further enacted*, That it shall be the duty of the Judges of the Supreme Court in every case they may decide or decree, to deliver their opinions in writing, stating at large the reasons and principles upon which such decision is made; which opinion shall be by the clerk of said court filed among the records of said court at the time of delivery, and any judge of said court differing in opinion from a majority of said court shall reduce his opinion to writing and the reasons therefor, and shall likewise be filed among the

\* See note.



records of said court, and any judge of said court neglecting or refusing to comply with the provisions of this section shall be deemed guilty of a misdemeanor in office and shall be liable to removal therefor.

SEC. 6.—*Be it further enacted*, That it shall be the duty of the clerk of said court to record in a book, by him to be kept for that purpose, the written opinions of said court and the written opinions of any judge thereof; and the said clerk shall receive ten cents for each hundred words so recorded, payable half yearly out of the National Treasury upon the certificate of any one of the said judges of said court that the service has been performed, and that the account as stated is true and correct.

SEC. 7.—*Be it further enacted*, That it shall be the duty of the Supreme Court to establish rules for the proceeding in said court and also rules for bringing causes to issue; and the proper conducting of the business in the several Circuit Courts of law in this Nation, and to cause a copy thereof to be made for each county in the Nation; and it shall be the duty of said court whenever they shall alter, amend or enlarge said rules, as soon thereafter as may be, to cause a copy to be made as above directed.

SEC. 8.—*Be it further enacted*, That the Supreme Court may adjourn from day to day, or for such longer period as they may think necessary to the ends of justice and the determination of the business before them, and there shall be no discontinuance of any suit, process, matter or thing returned to or depending on the Supreme Court although a sufficient number of judges shall not attend at the commencement or any other day of the term; but if a sufficient number fail to attend at the commencement of any term or at any time during the term, any judge of the said court, or the sheriff attending the same may adjourn the said court from day to day for six days successively.

SEC. 9.—*Be it further enacted*, That the Judges of the Su-



preme Court shall choose from among themselves the presiding judge, who shall be styled the Chief Justice, and enter the same upon the minutes of the court; and in case of his absence or his disqualification to sit in any cause, the oldest judge present shall be the presiding judge for the time being, and no judge of said court shall sit in any cause wherein he is connected by blood or marriage with either of the parties, or directly or indirectly interested, or if he shall have been of counsel for either party in such cause.

SEC. 10.—*Be it further enacted*, That although one or more of the Judges of the Supreme Court be interested in the event of any suit, matter or thing depending therein the same shall be finally decided by the other judges, if there be a number not so interested sufficient to constitute a court; and in case a majority of said judges shall be interested in any cause depending in said court it shall be the duty of the Principal Chief to specially appoint and commission one or more members of the bar learned in the law to supply the places of the judges so interested, who shall be sworn to hear and determine that particular cause and no other.

SEC. 11.—*Be it further enacted*, That whenever the Supreme Court shall be equally divided in opinion, on hearing any appeal or writ of error, the judgment or decree of the court below shall be affirmed.

SEC. 12.—*Be it further enacted*, That for preventing error in entering up the judgments, decrees, orders and decisions of said court, the minutes of the proceedings of each day shall be drawn up at large by the clerk, in a book by him to be kept for the purpose, and read in open court the next day—except those of the last day of each term, which shall be drawn up, read and corrected the same day—and any necessary corrections made therein, when they shall be signed by the presiding judge and preserved among the records.

SEC. 13.—*Be it further enacted*, That the Supreme Court shall annually appoint one of the judges thereof to inspect

the clerk's office of said court, and to report the same to the next term of the Supreme Court, specifying in what condition he finds the records and papers belonging to the office, which report shall be recorded upon the minutes of the court.

SEC. 14.—*Be it further enacted*, That the sheriff of the county in which the Supreme Court shall be held, shall be an officer of said court and shall attend the same with a sufficient number of deputies accordingly, and the sheriff and his deputies shall be bound to perform the duties of sheriff and crier.

SEC. 15.—*Be it further enacted*, That the Supreme Court shall have power to punish any person who may be guilty of a contempt of such Court, in like manner as if such contempt had been committed against a Circuit Court of the Nation.

SEC. 16.—*Be it further enacted*, That the Principal Chief of the Nation shall cause to be procured a seal for the use of the Supreme Court, with the words "Supreme Court of the Choctaw Nation" around the margin and a figure of an eagle in the centre; and the sum necessary to procure such seal shall be paid on the order of the Principal Chief, out of any money in the Treasury not otherwise appropriated, and the Auditor shall issue his warrant therefor.

SEC. 17.—*Be it further enacted*, That the present and all future elections for Judges of the Supreme Court shall be by the joint vote of both houses of the General Council, and all contested elections for Judges of the Supreme Court shall be determined in the manner that may be prescribed by law.

SEC. 18.—*Be it further enacted*, That if any Judge of the Supreme Court shall fail to attend any term of said Court, which he may be required to hold, it shall be the duty of the clerk of said Court to certify the number of days said Judge was absent at each term of his Court to the National Auditor, who shall deduct the sum of ten dollars for each and every day said Judge may fail to attend, if it should appear that the said Judge was within the limits of the Nation at the

time of such failure ; *Provided, however,* that if the said Judge shall make oath, and file the same in the National Auditor's office, that his absence was occasioned by sickness, or that his attendance was prevented by the obstruction of high waters, in which cases no deduction shall be made.

SEC. 19.—*Be it further enacted,* That the Supreme Court shall be held at the seat of government on the first Mondays of October and April in each and every year, and may continue until the business therein pending shall be disposed of ; the Judges of said Court shall have power to call a Special Term of said Court when deemed necessary, and shall give thirty days' notice of the time for holding the same.

SEC. 20.—*Be it further enacted,* That the clerk of the Supreme Court, under the Skullyville Constitution, is hereby required to transfer and deliver to the clerk of the Supreme Court under the present Constitution, immediately after the organization thereof, all books, papers, records, and office furniture which may pertain to his office ; and all suits, actions, and complaints now depending in the Supreme Court under the Skullyville Constitution of this Nation, shall be transferred to the Supreme Court organized by this act, in time for the business of the first term thereof, and shall be proceeded on to final decision by said Court, in the regular order in which they may stand on the docket of the former Court at the time of the transfer.

SEC. 21.—*Be it further enacted,* That when any cause is finally decided in the Supreme Court, and the party who is taxed with the cost thereof shall fail to pay the same, the clerk may issue execution therefor returnable to the next term of said Court, and direct to the Sheriff of the county where the party resides ; and the first Monday of October and April shall be the return days in the Supreme Court in each and every year, to which all executions issuing from said Court shall be made returnable ; and all officers failing to return said executions at the proper time or to pay over



the money collected thereon, shall, on motion, be made liable therefor, as in cases of Sheriffs failing to return executions to or pay over moneys on executions returnable to the Circuit Courts of this Nation.

SEC. 22.—*Be it further enacted*, That the Judges of the Supreme Court of this Nation shall be entitled to and receive as a compensation for their services the sum of four hundred dollars a year, each to be paid quarter-yearly out of the National Treasury when the account for the same shall be presented, audited, and the Auditor's warrant on the Treasury issued therefor.

SEC. 23.—*Be it further enacted*, That all acts heretofore passed in any manner coming in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 13th, 1860.

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AN ACT entitled an act defining the duties of the Clerk of the Supreme Court of the Choctaw Nation and establishing the fees of his office.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the Clerk of the Supreme Court of this Nation shall receive his appointment from said Court, or a majority of the Judges thereof, and shall hold his office for the term of four years, but may be removed therefrom for neglect of duty or misdemeanor in office by the Supreme Court, on motion of which the clerk against whom complaint is made, shall have ten days' previous notice specifying the particular negligence or misdemeanor in office with which he stands charged; and in every such case the said Court shall determine both the law and the fact.

SEC. 2.—*Be it further enacted*, That the said Supreme Court



shall appoint a Clerk in the following manner : In term time the appointment shall be made by an order entered upon record in the proceedings of said court, and the person so appointed, before he shall enter on the duties of his office, shall take the oath prescribed in the Constitution in open court, and shall enter into bond with two securities to be approved by the court, payable to the Principal Chief of the Nation for the time being and his successors in office, in the penalty of two thousand dollars, conditioned for the faithful performance of the duties of his office, and that he, in due time, records the judgments, decrees, orders, and decisions of said court, and deliver over to his successor in office all records, minute books, papers, presses, seal, and whatever belongs to his said office of clerk, which bond shall be recorded in the clerk's office of said court, and immediately thereafter be deposited in the office of the National Secretary, and shall not be void on the first recovery, but may be put in suit and prosecuted at the cost and charges of any party injured until the whole amount of the penalty thereof be recovered. In vacation the appointment shall be made by commission under the hands and seals of a majority of the Judges of said Court, and the person so appointed shall execute bond with security as above prescribed, and produce the same to any one of said Judges for his approbation, and if he approve it, he shall endorse his approbation thereon, and administer the proper oath of office, and endorse his certificate thereof also on said bond ; and said Judge shall cause the bond with the endorsement thereon to be recorded, and shall deposit the same in the office of the National Secretary as aforesaid, which bond may be put in suit and prosecuted in like manner as before directed in the case of bonds taken in open court.

A certified copy of such bond shall be received in evidence in any court of law in this Nation, in the same manner as the original would be if it was present in court.

SEC. 3.—*Be it further enacted*, That the said Clerk of the Supreme Court shall have power to appoint a deputy with the approbation of the Court, and he shall take the oath of office prescribed in the Constitution, and thereupon said deputy shall have power and authority to do and perform all the several acts and duties enjoined upon his principal; and the Clerk of the Court aforesaid shall keep his office at the place in which said court shall be holden.

SEC. 4.—*Be it further enacted*, That during a vacancy in the office of Clerk of the Supreme Court, and during the unavoidable absence of the principal clerk and his deputy, if he have one, the Court, in term time, or a majority of the Judges in vacation, may appoint a clerk *pro tempore*, who, after taking the oath of office, shall be authorized to perform the duties of a clerk, and during his continuance in office shall be entitled to all the fees thereof.

SEC. 5.—*Be it further enacted*, That whenever the office of the Clerk of the Supreme Court shall become vacant from any cause whatsoever, the records, papers, books, stationery, and everything belonging to, or pertaining to, said office shall be delivered over to his successor in office by the person or persons having the same, whenever demanded; and it is hereby declared to be the duty of such successor to demand, receive, and take the same into his care and safe keeping, and in case of a refusal or detention of any such records, papers, books, stationery, or other things appertaining to said office, of which he is appointed successor, after demand as aforesaid, he shall, moreover, give information thereof to the National or District Attorney, who shall prosecute each person or persons by action of debt, and have recovery of the same by execution and sale of the personal property of said defendants, by the proper officer of the court, on information, in the name of the Nation, in any court of competent jurisdiction, and on conviction thereof by the verdict of a jury, the person or persons so refusing

or detaining as aforesaid, shall be fined in the sum of five thousand dollars, to the Nation, for the use of the library fund.

SEC. 6.—*Be it further enacted*, That if the Clerk of the Supreme Court shall knowingly or willfully make any false entry, or erase a letter, or change any records in his office or keeping, said clerk, so offending, shall, on conviction thereof, be fined and imprisoned at the discretion of the Court, and shall also be liable to the action of the party aggrieved.

SEC. 7.—*Be it further enacted*, That the Supreme Court shall make allowances to the clerk for all needful sums for supplying the office with necessary books and presses for the records, and for the safe keeping of the books and papers belonging to the office, and shall make allowance to sheriff, as officer of said court, for all necessary fuel furnished in term time, which allowances, being certified to the National Auditor, he shall give a warrant therefor on the Treasury of the Nation.

SEC. 8.—*Be it further enacted*, That it shall be the duty of the clerk of the Supreme Court to make out and keep a distinct docket of all cases now pending in the Supreme Court, as established under the old Constitution, or which may be hereafter brought into the present court—for each one of the districts electing Judges to the Supreme Court—and to place on the docket, for each district, all cases, criminal or civil, emanating from counties in the same; *Provided*, that all civil cases in which the Nation may be a party, shall be placed on the docket of that district in which the seat of Government is situated, and all criminal cases shall be placed first on the docket to which they respectively belong.

SEC. 9.—*Be it further enacted*, That it shall be lawful for the clerk of the Supreme Court to demand, receive and take for the several services by him performed, the fees hereafter annexed to said services, viz.: for filing records and writs of error or appeal, twenty-five cents; entering appearance of each party, twenty-five cents; every continuance, twenty-five



cents; each oath, twenty-five cents; for docketing cause, twenty-five cents, to be charged but once; for entering each final judgment, one dollar; for copy of the same, for court below, fifty cents; for taxing costs and entering the same on fee-book, twenty-five cents, and, for each execution, fifty cents; and in addition to the fees above allowed, the clerks shall each receive, out of the National Treasury, the sum of one hundred dollars, to be paid quarter-yearly, upon the presentation of his account, endorsed as correct by the Chief Justice of the court, when the National Auditor shall issue his warrant for the same upon the National Treasurer.

SEC. 10.—*Be it further enacted*, That it shall be the duty of the Clerk of the Supreme Court to furnish any person on application, with a copy of the opinion of said Court, and a copy of any record, paper, or judgment, or anything on file in his office, and the clerk shall be entitled to receive ten cents for every hundred words contained in each copy so furnished, and twenty-five cents for a certificate, with the seal of the court attached, when required.

SEC. 11.—*Be it further enacted*, That it shall be the duty of the clerk of the Supreme Court, at the close of each term of said court, to make out and transmit to the court, or clerk thereof, from which the cause was brought, a copy duly certified, with the seal of the court affixed, of each and every final judgment and decree of said Supreme Court, unless the same shall be sooner demanded by the person or his attorney entitled to the same, when he shall deliver said copy upon payment of all cost due in said court, in the cause in which the copy of the judgment or decree is demanded; otherwise he shall retain said copy, and transmit the same as hereinbefore directed, and, as in all cases where the costs have not been paid, send out an execution for the same.

SEC. 12.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in anywise in conflict with



the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 15th, 1860.

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AN ACT entitled an act to organize and establish the Circuit Courts of the Choctaw Nation, and to define their power and jurisdiction in law, and to fix the salaries of the Judges thereof.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation, assembled*, That the Counties comprising this Nation shall be divided into three judicial circuits, to be divided and designated as follows: the Counties of Skullyville, Sans Bois, Sugar Loaf, Gains, and Tokucksy, shall compose the First Judicial Circuit; the Counties of Towson, Red River, Boktuklo, Eagle, Nashoba, Cedar and Wade shall compose the Second Judicial Circuit; and the Counties of Kiamichi, Blue, Atoka, Jack's Fork, and Cooper, shall compose the Third Judicial Circuit.

SEC. 2.—*Be it further enacted*, That the Judges of the Circuit Courts shall be elected by the qualified voters of their respective Circuits, at the time and places of holding elections, and shall be conducted as prescribed by law for the election of district and county officers, and the person having the highest number of votes shall be declared duly elected, and shall be forthwith commissioned by the Principal Chief, and continue in office for the term prescribed by the Constitution, unless sooner removed.

SEC. 3.—*Be it further enacted*, That each Judge of the Circuit Court shall take the oath of office prescribed in the Constitution, which oath may be administered by the Principal Chief, or any Judge of a Court of Records, and a certificate of the same shall be filed in the clerk's office of the

Circuit Court, when the said Judge shall first sit; and the certificate being so filed, the said Judge shall be enabled thereafter to discharge his official duties, and if any Judge shall officiate as such, without having first taken the oath herein required, he shall be deemed guilty of a high misdemeanor, and may, therefore, be removed from office.

SEC. 4.—*Be it further enacted*, That the Circuit Courts of law in the several Counties of the Nation shall have original jurisdiction of all suits and actions for the recovery of money founded on any bonds or other written contracts when the principal of the sum in controversy exceeds fifty dollars, and all causes, matters and things arising under the constitution and laws of this Nation which are not expressly cognizable in some other court established by law; and said Circuit Court shall have power to hear and determine all prosecutions in the name of the Nation, by indictment for treason, murder, and all other felonies, crimes and misdemeanors committed within their respective jurisdictions, except such as may properly belong to County Court or in some other Court of the Nation or of the United States; as also to hear and determine all prosecutions by information as are designated in the Constitution; and, moreover, shall have and exercise all the powers incident or belonging to a court of oyer and terminer, and general jail delivery, and to do and perform all other acts properly pertaining to a Circuit Court of law, and the Judges of said courts and each of them shall have power, either in vacation or term time, to grant writs of *habeas corpus*, and all other remedial writs returnable according to law, into any or either of said Circuit Courts.

SEC. 5.—*Be it further enacted*, That the said Circuit Courts shall have and possess original jurisdiction over all matters of divorce, and for the foreclosure of mortgages; and the Judges of said courts shall have power either in vacation or term time to grant writs of injunction, to stay waste, to enjoin execution of a judgment, or to stay proceedings at law;

to grant writs of *ne exeat*,\* and all other remedial writs returnable to a court of law.

SEC. 6.—*Be it further enacted*, That the Judges of the several Circuit Courts may alternate and make temporary exchanges of their circuits whenever in their opinion the public interest may require it.

SEC. 7.—*Be it further enacted*, That in the absence of the Judge of any of the Circuit Courts, the Sheriff of the county shall adjourn the same from day to day, for the space of two days and no longer.

SEC. 8.—*Be it further enacted*, That if from any cause, a Circuit Court shall not be held at any time thereof, or shall not continue to sit the whole term, or before the end of the term shall not have heard and determined all matters ready for their decision, then all process, pleadings and proceedings of what nature soever, remaining in said court pending and undecided, shall stand continued of course until the next succeeding term; and if from any cause the Court shall not sit on any day in a term after it shall have commenced, there shall be no discontinuance; but the Court may proceed to business on any subsequent day, until the end of the term, if business before said Court shall not be sooner disposed of.

SEC. 9.—*Be it further enacted*, That it shall be the duty of every clerk of the Circuit Court, in making out his issue docket for each term, to set as many suits for each day, beginning on the first and proceeding as far in the term as the number of suits may make it necessary, or the Judge may direct, or in his opinion may best suit the business of the Court, and no cause shall be taken up for trial or hearing at a day previous to that for which it may be set, and the clerk shall issue subpoenas for witnesses to attend on the days on which the causes stand for trial, and no witness shall be bound to attend in any cause unless specially summoned to such term; and it shall be the duty of the clerk to keep a

\* See note at the end of this book.



regular subpoena docket, and to issue subpoenas before every term of the Court for all the witnesses in every cause that either party may at any time have directed to have summoned.

SEC. 10.—*Be it further enacted*, That for preventing errors in entering up the judgments and orders of said courts, the minutes of the proceedings of every day shall be drawn up by the clerk before the next day's sitting of the court, when the same shall be read in open court, and such corrections as are necessary being made therein, they shall be signed by the Judge presiding, and carefully preserved in a well-bound book; on the last day of each court, the proceedings that day shall be drawn up, read, corrected, and signed on the same day as aforesaid.

SEC. 11.—*Be it further enacted*, That the said Circuit Courts shall have power to hear and determine all motions on reasonable notice to the adverse party, against sheriffs or other officers, for money received under executions or other process or order of the Court, which shall not be paid to the party entitled to the same, his agent, or attorney on demand; and all motions against attorneys and counsellors at law for failing or refusing to pay money received for their clients, and to give judgment according to the statutes in such cases made and provided, and award execution therefor.

SEC. 12.—*Be it further enacted*, That the said courts shall have power to fine and imprison any person who may be guilty of a contempt of the court while sitting, either in the presence or hearing of the court, *provided*, that such fine shall not exceed one hundred dollars, and no person for contempt of court shall be imprisoned for a longer period than the term of the court at which the contempt was committed.

SEC. 13.—*Be it further enacted*, That it shall be the duty of the Circuit Clerk of each county to procure a seal at the expense of the proper county for the use of their courts with the style of the court around the margin thereof, and an eagle in the centre.



SEC. 14.—*Be it further enacted*, That until provision is made by the County Courts of the several counties in the Nation, for the erection of a jail within their limits, the jail situated within each judicial circuit shall, in all cases, be used as the jail of the Circuit Courts of all the counties therein, and the Sheriffs of the counties wherein such jails are situated shall be the jailors for the Circuit Court of each judicial circuit, respectively, and shall take into custody all persons committed by the orders of the Circuit Courts or by any process issuing from such court, and all persons committed by whatever lawful authority for trial in such courts, the sheriff of the county in which any Circuit Courts shall sit shall execute all judgments and sentences rendered by such court, in any criminal case, provided such judgments are by law to be executed in the said county; and shall in all respects act as Sheriffs of said court; it shall be the duty of the Sheriff of each county to deputise some suitable persons, not to exceed three in number, to attend said Circuit Court to act as deputy Sheriffs during the term of said Circuit Court, who shall be sworn and qualified as the law directs, which oath shall be administered by the judge and entered on the minutes of the court, and they shall receive the same pay for services rendered as the Sheriff receives, except the amount he receives from the National Treasury.

SEC. 15.—*Be it further enacted*, That it shall be the duty of the Clerks of the several Circuit Courts of this Nation to make out at each term of their respective courts separate dockets in which shall be placed all causes in favor of the Nation or any county, and all indictments, presentments or informations; and it is hereby expressly declared to be the duty of the judges of the courts aforesaid to give preference to and take up said docket for trial on motion of the District Attorney, unless good cause is shown to the contrary.

SEC. 16.—*Be it further enacted*, That whenever the regular term of any Circuit Court shall have failed, and in the opi-

nion of any judge presiding therein, the business of the court require it, the said judge shall be, and he is hereby authorized and directed to order a special term of the Circuit Court to be holden; which order shall be entered upon the minutes of the special term.

SEC. 17.—*Be it further enacted*, That on receiving notice of said order for a special term of the Circuit Court it shall be the duty of the Clerk and Sheriff of the county in which it shall be ordered to make and draw for the regular terms of said courts upon which a pannel so drawn a *venire facias* shall issue, and the Sheriff shall summon them accordingly, and at any such special term the said court shall have power to hear and determine all business remaining in the said courts unfinished and not specially continued at the preceding regular term; and shall also have and exercise full jurisdiction of jail delivery in all cases that have not been so continued, which said special terms, whenever so ordered, shall continue until all the business therein pending shall be finished.

SEC. 18.—*Be it further enacted*, That no special term shall be ordered to be holden at a shorter time than thirty days, from the time that it is so ordered; and when a special term shall be directed to be holden, in pursuance with this act, it shall be the duty of the Clerk of the Court to put up written notices thereof in at least three public places in the county giving twenty days' notice of the time and place of holding said court.

SEC. 19.—*Be it further enacted*, That whenever any Judge of any Circuit Court shall be disqualified from any cause whatsoever he shall have power and is hereby authorized to appoint any legal voter present qualified to try such cause and no other; and if any judge shall try any cause in which he may be interested without the consent of the parties, he shall be deemed guilty of a high misdemeanor in office and shall be liable to impeachment therefor.

SEC. 20.—*Be it further enacted*, That if at any time when a special term of any Circuit Court ought to be holden it should happen that the presiding Judge of the Circuit should be sick, absent, or from any other cause besides being interested, as hereinbefore provided for, it shall be the duty of the presiding Judge of the adjoining or other Circuit, on being notified of such incapability by the Judge of that Circuit, in which such special term ought to be holden to make the order for holding such special term as required by this act, and to give notice thereof to the clerk and also to attend and hold said special term.

SEC. 21.—*Be it further enacted*, That a Circuit Court shall be held in each county in this Nation twice in each and every year, and shall commence and continue for the time hereafter specified, as follows :

IN THE FIRST JUDICIAL CIRCUIT.—In the County of Sans Bois, on the first Mondays of November and May, and may continue six judicial days, if business so long requires, and no longer. In the County of Skullyville on the second Mondays of November and May, and may continue six judicial days if business so long requires, and no longer. In the County of Sugar Loaf, on the third Mondays of November and May, and may continue six judicial days if business so long requires, and no longer. In the County of Gaines, on the fourth Mondays of November and May, and may continue six judicial days if business so long requires and no longer. In the County of Tobucksy, on the first Mondays of December and June, and may continue six judicial days if business so long requires, and no longer.

SECOND JUDICIAL CIRCUIT.—In the County of Wade, on the first Mondays of December and June, and may continue six judicial days if business so long requires, and no longer. In the County of Nashoba, on the second Mondays of December and June, and may continue six judicial days if business so long requires, and no longer. In the County of



Eagle, on the third Mondays of December and June, and may continue six judicial days if business so long requires, and no longer. In the County of Buktuklo, on the fourth Mondays of December and June, and may continue six judicial days if business so long requires, and no longer. In the County of Red River, on the first Mondays of January and July, and may continue six judicial days if business so long requires, and no longer. In the County of Towson, on the second Mondays of January and July, and may continue six judicial days if business so long requires, and no longer. In the County of Cedar, on the third Mondays of January and July, and may continue six judicial days if business so long requires, and no longer.

THIRD JUDICIAL CIRCUIT.—In the County of Jack's Fork, on the first Mondays of February and August, and may continue six judicial days if business so long requires, and no longer. In the County of Atoka, on the second Mondays of February and August, and may continue six judicial days if business so long requires, and no longer. In the County of Kiamichi, on the third Mondays of February and August, and may continue twelve judicial days if business so long requires, and no longer. In the County of Blue, on the first Mondays of March and September, twelve judicial days if the business so long requires, and no longer. In the County of Cooper, on the fourth Mondays of March and September, and may continue six judicial days if business so long requires, and no longer.

SEC. 22.—*Be it further enacted*, That the Circuit Courts of the several Counties of this Nation shall be held in each county at the time and places fixed by law for holding the Circuit Courts, and shall so continue to be held until otherwise directed by law.

SEC. 23.—*Be it further enacted*, That the Judges of the Circuit Courts of this Nation shall be entitled to receive as



follows : the Judge of the First Judicial Circuit, four hundred dollars ; the Judge of the Second Judicial Circuit, four hundred and fifty dollars ; the Judge of the Third Judicial Circuit, four hundred dollars a year ; to be paid quarterly out of the Treasury of the Nation, upon presentation of the account therefor to the Auditor, who shall issue his warrant therefor upon the National Treasurer, who shall pay the same out of any funds in the Treasury not otherwise appropriated.

SEC. 24.—*Be it further enacted*, That all suits of every kind now pending in the courts of this Nation, as organized under the old Constitution, untried, be and the same are hereby transferred and removed to the proper courts, as organized under the present Constitution. The Circuit Judges are hereby required to direct the transfer and removal of all cases herein before specified, and all records, books, papers, and causes settled and determined, to the county where he deems they properly belong.

SEC. 25.—*Be it further enacted*, That all acts, or parts of acts, heretofore passed, coming in anywise in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 24, 1860.

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AN ACT entitled an act defining the duties of the Clerks of the Circuit Courts of the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the clerks of the several Circuit Courts of this Nation shall be appointed by the Circuit Judges, and shall hold their office for the term of two years.

SEC. 2.—*Be it further enacted*, That before they enter upon the duties of their offices, the clerks of the Circuit Court of each county shall enter into bond with good security, to be approved by the court of which he is clerk, payable to the Principal Chief for the time being, or his successors in office, in the penalty of two thousand dollars, conditioned for the faithful performance of his duties of office, and that he in due time record the judgments, decrees, and orders of the Court, and deliver over to his successor in office all records, minutes, books, papers, presses, and whatever belongs to said office of clerk; which bond shall be recorded in the clerk's office of said court, and immediately thereafter deposited in the office of the National Secretary by the Judge approving the same, and shall not be void on the first recovery, but may be put in suit and prosecuted at the costs and charges of any party injured; and levied of the goods and chattels of said clerk and sureties, until the whole amount of the penalty thereof be recovered, and a certified copy of any such bond shall be received in evidence in any court of law of this Nation, in the same manner as the original would be if it were present in court.

SEC. 3.—*Be it further enacted*, That the clerks of said courts shall have power to appoint deputies, with the approbation of their several courts, who shall take the oath of office; and thereupon such deputies shall have full power and authority to do and perform all the several acts and duties enjoined upon their principals; and the said clerk of the said courts shall have power to appoint deputies in vacation, with the approbation of the Judges of the Circuit in which said appointment may be made, and which said approval shall be given in writing, and carefully filed away by said clerk in his office, and shall be entered upon the minutes of the next regular term of the Circuit Court.

SEC. 4.—*Be it further enacted*, That the clerks of the said courts shall keep their offices at the place of holding the

courts of the counties in which they are clerks; but in all cases where offices have not been provided for the clerks of said courts, such clerks may keep the records and papers of the said courts at such places as the Judges thereof shall direct and enter of records.

SEC. 5.—*Be it further enacted*, That in case a vacancy shall occur in this office of Clerk of the Circuit Court in any county in this Nation by death, resignation, or other cause, it shall be the duty of the Circuit Judge of such Circuit, or the judge presiding, to appoint a clerk *pro. tempore*,\* to fill such vacancy until a clerk is duly appointed and qualified according to law, which appointment shall be entered upon the minutes of the court, and such clerk appointed shall enter into bond, and take the oath of office as in other cases, and when so qualified his acts shall be as valid and he shall have all the powers and emoluments for the time that regular clerks have by law.

SEC. 6.—*Be it further enacted*, That whenever the office of clerk to any court shall become vacant from any cause whatsoever the records, papers, books, presses, and stationery, and everything belonging or appertaining to said office, shall be delivered over to the successor in office by the person or persons having the same, whenever demanded; and it is hereby declared to be the duty of such successor to demand the same and take in his care and safe keeping all such records, books, papers, presses, stationery, and whatsoever belongs to the said office, and in case of refusal or detention of the same or any part thereof, after demand aforesaid, he shall give information to the District Attorney, who shall prosecute such person or persons, by action of damages, or information in the name of the Nation in any court of competent jurisdiction, and on conviction thereof by the verdict of a jury, the person or persons so refusing or detaining as aforesaid, shall be fined in the sum of two thousand dollars, to be levied of their goods and chattels to the use of the Nation for the benefit of the National Library Fund.

\* See note at the end of this book



SEC. 7.—*Be it further enacted*, That if any clerk of the Circuit Courts of this Nation shall knowingly make any false entry, or erase a letter, or change any record in his keeping, belonging to his office, every such clerk so offending shall, on conviction thereof, be fined and imprisoned at the discretion of the court, and shall be liable to the action of the party aggrieved.

SEC. 8.—*Be it further enacted*, That the several Circuit Courts shall make an allowance to the clerks thereof of all needful sums, for supplying the offices with necessary books and presses for the records and the safe keeping of the books and papers belonging to their offices respectively, on which allowance being certified to the County Treasurer of the proper county, he shall pay the same out of any moneys in the Treasury not otherwise appropriated.

SEC. 9.—*Be it further enacted*, That the several clerks of the Circuit Courts of this Nation and their deputies shall be and they are hereby empowered to administer oaths in all cases wherein an affidavit is necessary as the foundations of any official act to be performed by such clerk, which affidavit shall be filed and shall in every respect be as effectual as if the oath had been administered by any Judge of a Court of Record; and any person sworn by any such clerk or his deputy, by virtue of this act, shall give evidence under such circumstances as would have constituted the same to be perjury if done in presence of a court of record, the same shall be deemed perjury to all intents and purposes.

SEC. 10.—*Be it further enacted*, That the Judge of the Circuit Court of each County shall make such allowance to the Clerk thereof for his services in behalf of the Nation as may be deemed reasonable to be paid out of the Treasury of the Nation, which shall be deemed and taken as full pay to such clerk for all fees which may accrue, and prosecutions in which the Nation may fail; and the costs be not taxed on the pro-



secution; provided the same shall not exceed seventy-five dollars a year.

SEC. 11.—*Be it further enacted*, That it shall be the duty of the Circuit Clerks of the several Counties within this Nation to make out and certify to the National Auditor or County Treasurer, as the case may require, within one month after the adjournment of such court, a fair abstract of all fines and penalties which shall be assessed, had or recovered in his courts at any term thereof, specifying therein the names of the persons, the amounts of the fines and penalties, and the offences for which the same are assessed; and in case such clerk shall fail to transmit such abstract as above specified, he shall forfeit and pay into the County Treasury the sum of twenty-five dollars, to be assessed by the Circuit Judge and collected by the Sheriff as other fines are collected and paid over.

SEC. 12.—*Be it further enacted*, That the Circuit Clerks of each County in this Nation are hereby required to cause to be removed all cases properly belonging to the courts of which they are clerks, now pending untried, and place such cases on the docket for trial at the first term of the Circuit Court for the county, hereafter to be holden in the order of proceedure which they held in the court from which they came; and the Circuit Clerks of each county shall tax, with his own bill of costs upon the decision of any and all suits or causes, civil and criminal, so removed, the costs due thereon to the clerks of the courts from whence they were removed; and all the costs so taxed shall be collected by execution and sale, on failure of the party who may be adjudged to pay the same to do so; and the circuit clerks aforesaid are hereby required and directed to take charge of all books, papers and records of cases, civil and criminal, that have been disposed of in either the circuit or county courts aforesaid, and which the judge of the circuit courts of the particular circuits shall say belong to the court of which

he is clerk, and shall file away and preserve the same in his office, in the order in which they were decided.

SEC. 13.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 19th, 1860.

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AN ACT entitled an act to establish a County Court in the several Counties of this Nation and defining the duties of the Judges thereof.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That there shall be established in each county of this Nation a County Court, to be styled, the County Court of the County ———, with such jurisdiction to said courts within their respective counties as is prescribed to them in sections ten, eleven, and seventeen of the present Constitution and herein more fully recited.

SEC. 2.—*Be it further enacted*, That the Judges of the County Courts in each county in this Nation, shall be chosen by the qualified electors thereof at the time and places of holding the general elections in each county, and shall hold their office for the term of two years, unless sooner removed for malconduct in office, or other disqualifying cause, provided for in the Constitution; and before entering upon the duties of their office, shall take and subscribe the oath prescribed in the Constitution before any Judge of a court of records, which oath thus taken and subscribed, shall be recorded on the minutes of the County Court, and on failure of such Judge elect to qualify, as prescribed by law, for the space of twenty days after said election, shall be deemed disqualified to hold the office, and the vacancy shall be filled

in the same manner as other vacancies in said office; *Provided*, this section does not refer to those first holding the office.

SEC. 3.—*Be it further enacted*, That the County Courts in each county shall procure a seal of said court, with the style of the court around the margin, and an eagle in the centre, which shall be kept by the clerk and affixed to all letters of administration, testamentary and guardianship, to all certificates of the court or of the clerk, and to every writ and process of every kind issued from said court, the cost of which shall be paid out of the county funds upon the certificate of the County Judge.

SEC. 4.—*Be it further enacted*, That it shall be the duty of the clerks of the County Courts to demand of and receive of the clerks of the Probate Courts, as organized under the old Constitution, all books, papers, and records, and all other things pertaining to the office of County Court, and on failure or refusal so to do, any Probate Clerk so offending shall be fined in the sum of one hundred dollars, to be collected by the Circuit Court having jurisdiction, and paid into the County Treasury for county purposes.

SEC. 5.—*Be it further enacted*, That the County Courts in the several counties of this Nation, shall have jurisdiction in the following cases : first, of all cases relative to probate of last wills and testaments, the granting of letters of testamentary, and of administration, and repealing the same ; second, the appointment and displacing of guardians of orphans, minors, and persons of unsound mind or idiotic ; third, in the settlement and allowance of accounts of executors, administrators, and guardians ; fourth, to hear and determine all controversies respecting last wills and testaments, the right of executorship, administration or guardianship, or respecting the duties, or accounts of executors, administrators and guardians ; fifth, to award process, and cause to come before such court all persons whom they may deem it necessary to



examine, whether parties or witnesses, or who as executors, guardians or administrators or otherwise, shall be interested or in anywise accountable for any lands, tenements, goods, chattels, moneys, or effects, belonging to any minor, orphan, or persons of unsound mind, or idiotic, or the estate of any deceased person.

SEC. 6.—*Be it further enacted*, That the several county courts of this Nation shall have power to punish any person who may be guilty of a contempt of such court in like manner as if such contempt had been committed against a Circuit Court of law.

SEC. 7.—*Be it further enacted*, That all suits, causes, and proceedings whatever may be pending in the Probate Courts, in relation to matters properly belonging to the County Courts, shall be, and the same are hereby transferred to the County Courts of the proper county, there to be proceeded in and conducted according to law.

SEC. 8.—*Be it further enacted*, That the County Courts of the several counties shall have jurisdiction in all matters relating to the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of their respective counties, they shall have exclusive original jurisdiction in all matters of contract or controversy, except in actions of covenant where the sum in controversy is not over fifty dollars.

SEC. 9.—*Be it further enacted*, That the Judges of the County Courts shall in no case have jurisdiction to try and determine any criminal case or penal offence against the Nation, but shall sit as an examining court, and commit, discharge, or recognize to the Circuit Court for further trial of offenders against the laws of this Nation ; for the foregoing purposes they shall have power to issue all necessary writs and other process to bring said offenders before them, and shall have the power to bind such offenders to keep the peace.



SEC. 10.—*Be it further enacted*, That any person who has been, is, or may hereafter be, elected to the office of County Judge of any county in this Nation, and who shall at the time of his election be executor, administrator or guardian in such court, and not having settled his final account thereof, shall be disqualified from acting as County Judge in such case, but it shall be his duty to apply to the County Judge of an adjoining county, who shall have full authority to proceed therein, and shall cause his proceedings thereon to be recorded in the clerk's office of the County Court of the county from which the same shall have been so removed.

SEC. 11.—*Be it further enacted*, That it shall be the duty of the Judges of the County Courts to keep respectively in their courts a docket-book of all causes pending in their courts, on which docket shall be entered, in the order in which they are made, all applications for letters testamentary of administration and guardianship, and all other suits and causes, in said courts, whether commenced by bill, petition, or motion, and whether the same be *ex parte*,\* or between one or more persons or parties litigant in said courts; and at each term of said courts, it shall be the duty of the Judges thereof to take up and dispose of the business pending between them in the order in which the same is entered upon their docket.

SEC. 12.—*Be it further enacted*, That in all cases in which any county court shall make and enter a judgment and decree against any party litigant therein, or against any executor, administrator or guardian, for payment of a sum of money by said party litigant, executor, administrator, or guardian, to any other party entitled to the same, by the terms of said judgment or decree, said court shall have power to enforce a compliance with the terms of such judgment or decree, by process of *fieri facias*,\* issued by said court, returnable to a term of said court, not

\* See Note at the end of this book.

less than thirty, nor more than ninety days from the date of the process, which process shall be executed by the sheriff of the proper county, upon the tenements, goods, and chattels of the party against whom the same shall be issued, or by process of attachment against the person of the party against whom the judgment or decree shall have been rendered; *Provided*, that no such attachment shall issue until the party against whom the same is prayed shall have been cited to appear at some regular term of the court to show cause why it should not issue; and if upon the service of the citation, the party shall fail to appear, and show cause against the issuing of the attachment, the court shall issue a peremptory attachment commanding the sheriff to imprison the person or the party, until they comply with the judgment of the court.

SEC. 13.—*Be it further enacted*, That the County Courts shall have power, and are hereby required to entertain bills of review, for the correction of any interlocutory order, or final decree of said courts in proceedings for the final settlement of any executor, administrator or guardian; any person interested by bill of review may open and cause to be examined by the courts, any annual or partial settlement made by such executor, administrator or guardian, and surcharge and falsify the accounts rendered upon such settlement, and any person interested may, at any time within two years after final settlement, by bill of review, open the account of any executor, administrator or guardian, and surcharge and falsify the same, and not after, saving to minors and married women, the same time after the removal of their disability.

SEC. 14 —*Be it further enacted*, That no order or decree affecting the rights or interest of any minor, shall be valid and binding upon said minor, or his or her interest in any estate administered in any County Court in this Nation, unless his or her guardian, if a resident of the county in which the proceedings are had, shall be first personally served with

five days' notice to appear and defend the rights of said minor, or if the guardian of such minor be not a resident of said county, and do not appear, or if the guardian, whether resident or not of the county, be a party personally interested to give validity and effect to any such order or decree, the court shall appoint a guardian, *ad litem*,\* to protect the interest of such minor.

SEC. 15.—*Be it further enacted*, That when any Judge of the County Court shall be related by affinity or consanguinity to either party, or having any interest in the cause pending in said court, such Judge shall be incompetent to try said cause, and it shall be his duty to appoint any discreet person qualified to try that case for which he is disqualified; *Provided*, that the incompetency of such Judge may be waived by the interested parties, and entered of record, and his competency to try the cause be restored.

SEC. 16.—*Be it further enacted*, That the County Judges may hold a special term of their courts by giving ten days' notice, in three public places, and specifying the causes to be tried at such special term, and no other business shall be disposed of, and that the election of an attorney-at-law, to the office of County Judge, shall not deprive such attorney of the right to practice in his profession, in any court of law, except the court of which he is Judge; *Provided*, that he shall not prosecute, or defend, or advise either party in any matter or cause which he may have decided, and on which an appeal or other proceedings are had in any other court in this Nation; and if any Judge of a County Court shall aid, abet, or counsel, or advice, in any such matter, cause or controversy, he shall be deemed guilty of a high misdemeanor, and may, for the same, be removed from office.

SEC. 17.—*Be it further enacted*, That it shall be the duty of the County Judges, of each county in this Nation, to hold a court at the place now fixed by law for holding County

\* See Note at the end of this book.



Courts in his county on the first Monday in every month, which may continue for four days, if business so long requires, and no longer, and the sheriff of the county shall attend said courts, and shall serve all summons or process to him, directed from the County Court of his or any other county within the Nation, and shall make returns thereof, according to the tenor of the same ; and on failure, he shall be liable to be proceeded against in the same manner as for the like failure in other cases.

SEC. 18.—*Be it further enacted*, That it shall be lawful for the clerks of the County Courts to issue execution for the cost of any suit or proceeding which may originate in said court, which the said clerk and County Judge may be entitled to, by law, and the sheriff shall collect and return the same in the same manner as if issued by the clerk of the Circuit Court.

SEC. 19.—*Be it further enacted*, That all books for minutes, records, and other matters deemed necessary for the use of the clerks of the several counties in this Nation, shall be procured by the clerks thereof, and the accounts therefor certified to by the Judges of said courts, and paid out of the county treasury of their respective counties.

SEC. 20.—*Be it further enacted*, That the County Judges of this Nation shall receive, as a compensation for their services, the sum of one hundred dollars each per annum, to be paid quarter-yearly ; when they present their account to the National Auditor he shall issue his warrant for the same out of the National Treasury.

SEC. 20.—*Be it further enacted*, That all acts or parts of acts heretofore passed in any manner coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 25th, 1860.



AN ACT entitled an act defining the duties and fixing the salaries of the Clerks of the County Courts of this Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the clerks of the several counties of this Nation shall be appointed by the County Judges of the several counties, and shall hold their office for the term of two years, unless sooner removed for misdemeanor, or other disqualifying cause, from office.

SEC. 2.—*Be it further enacted*, That before entering upon the duties of their offices, the clerks of the County Court shall take the oath of office prescribed in the Constitution, which oath, when taken and subscribed, shall be entered on the records of said Court; and any Judge of a Court of Record shall be qualified to administer such oath to the clerks aforesaid; any clerk failing or refusing to take the oath of office for fifteen days after his appointment, shall be incompetent to hold the office, and the vacancy shall be filled in the same manner as other vacancies in said office are filled.

SEC. 3.—*Be it further enacted*, That the clerks of the County Courts shall, before they enter upon the duties of their office, enter into bond with good security, payable to the Principal Chief of the Nation and his successors in office, in the same manner, and in the same penalty, and with the same conditions as is required of the several circuit clerks of this Nation, which bond shall be recorded and filed, as is prescribed for the said circuit clerks' bonds.

SEC. 4.—*Be it further enacted*, That it shall be the duty of the clerks of the County Courts to keep and preserve all records, files, books, papers, and the proceedings of said court, to record all last wills and testaments, duly proved and approved, all accounts finally allowed, all inventories and appraisements duly made and sworn to, to issue all citations,

subpoenas, and other process, as issue of course, and all such as are directed by the court in term time, or the Judge in vacation, and to do and perform all those things that appertain to the office of a Clerk of the County Court; and the clerk's office in term time shall be under the direction of the court, and in vacation under the direction of the Judge of said court.

SEC. 5.—*Be it further enacted*, That the clerks of the County Courts in this Nation shall keep their offices at the places designated by law for holding Circuit Courts; but in all cases where offices have not been provided for the clerks of the courts, such clerks may keep all the books, records, and papers belonging to their offices, at such places as the County Judges may direct and so enter of record.

SEC. 6.—*Be it further enacted*, That the several County Clerks may appoint, in the same manner as is provided by law for the appointment of deputy clerks of the Circuit Courts, and such deputies shall have power to act in the name of their principals; and the said clerk, or his deputy, may, either in term time or vacation, administer oaths in relation to the probate of accounts, and as to all matters connected with the proceedings of the County Court, and also to administer oaths in all cases wherein an affidavit is necessary, as the foundation of any official act to be performed by any such clerk.

SEC. 7.—*Be it further enacted*, That whenever the office of County Clerk shall become vacant, from any cause whatsoever, the records, books, papers, stationery, and everything in anywise belonging to, or appertaining to said office, shall be demanded, delivered over, and secured in the manner, and in case of refusal or detention, under the penalties prescribed in the act passed at the present session of the General Council, defining the duties of the clerks of the Circuit Courts of this Nation.

SEC. 8.—*Be it further enacted*, That if any County Clerk shall knowingly make any false entry, or erase a letter, or change any records in his keeping, belonging to his office, every such clerk so offending shall, on conviction thereof, be fined and imprisoned at the discretion of the Court, and shall, moreover, be liable to the action of the party aggrieved.

SEC. 9.—*Be it further enacted*, That in case the Clerk of the County Court in any county, shall be at any time unable to attend said courts, from any cause whatsoever, it shall be lawful for the Judges of the County Courts, in case there is no deputy clerk of said court present, to appoint a person to act as clerk *pro tempore*, who shall take the oath of office faithfully to discharge the duties of the same, and for his services as clerk he shall be entitled to the fees allowed by law to the clerk of said court.

SEC. 10.—*Be it further enacted*, That the County Court in each county shall make allowances of all sums necessary for furnishing the clerk's office with tables, chairs, and presses to preserve papers, to be paid out of the County Treasury of the proper county, under direction of the County Judge.

SEC. 11.—*Be it further enacted*, That it shall be the duty of each clerk of the County Courts to record in the books provided for his office all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, or other instruments of writing, of or concerning any tenements, or goods and chattels, which shall be proved or acknowledged according to law, and authorized to be recorded in his office.

SEC. 12.—*Be it further enacted*, That each clerk of the County Courts shall record in a book, to be provided for the purpose, all marriage contracts and marriage certificates, and all commissions and official bonds, required to be recorded in his office.



SEC. 13.—*Be it further enacted*, That when any deed, mortgage, deed of trust, bond, conveyance, or other instrument of writing, authorized by law to be recorded, shall be deposited in the office of the County Clerk of any county for record; the clerk shall enter in a book, to be provided for the purpose, in alphabetical order, the names of the persons, and date, and nature thereof, the time of delivery for record, and shall, if required, give the person delivering the same, a receipt specifying the particulars thereof.

SEC. 14.—*Be it further enacted*, That each clerk of the County Courts shall record immediately upon reception all and every character of instruments of writing filed in said office, if in conformity with the requisitions of the law, by entering them word for word, and letter for letter, and noting at the foot of the record the day of the month and year the same was deposited in his office for record.

SEC. 15.—*Be it further enacted*, That every deed, mortgage, conveyance, deed of trust, bond, or other instrument of writing, shall be considered as recorded from the day it was delivered for record, and the clerk shall certify and attach to every such deed, mortgage, conveyance, or deed of trust, bond, and other instrument of writing so recorded, the day of the month and year when he received it, and the book and pages in which it was recorded, and deliver the same to the party entitled thereto or his order.

SEC. 16.—*Be it further enacted*, That each clerk shall provide and keep in his office a well bound book, and make and enter therein an index in alphabetical order to all books of records, wherein deeds, mortgages, or other instruments in writing are recorded, distinguishing the books and papers in which every such deed of writing is recorded.

SEC. 17.—*Be it further enacted*, That such index shall contain the names of the several grantors and grantees, in alphabetical order; and in case the deed be made by a sheriff, the name of the sheriff and the name of the defendant in execu-



tion; and if by executor or administrator, their names and the names of their testator or intestate; and if by attorney, his name, and that of his constituents; and if by a commissioner, his name and that of the person whose estate is conveyed.

SEC. 18.—*Be it further enacted*, That each clerk shall, in like manner, make, keep and preserve a full and perfect alphabetical index to all books and records in his office, wherein all deeds and instruments of writing in relation to personal property, marriage contracts, certificates of marriage, and all other papers and records, and a like index of all the books of records wherein commissions and official bonds are recorded; the names of the officers appointed or elected, and of the obligors in any bond recorded, and a reference to the book and page where the same are recorded; and that each clerk shall make a reference in the several indexes of all deeds and conveyances which may be hereafter recorded, so as to afford at all times an easy reference to such records.

SEC. 19.—*Be it further enacted*, That if any clerk to whom any deed or other writing proved or acknowledged according to law shall be delivered for record, shall neglect or refuse to make an entry thereof, or give receipt therefor as required by this act, or shall neglect or refuse to record such deeds or other writing within a reasonable time after receiving the same, or shall record any deeds or instrument of writing before another first deposited in his office and entered to be recorded, or shall record any deed or other writing incorrectly, or shall neglect or refuse to provide and keep in his office such indexes as required by this act, he shall forfeit and pay the sum of one hundred dollars, to be recovered by action of damages, one half to the use of the county and the other half to the use of the person who shall sue for the same, and also be liable to any person injured for all damages he may have sustained thereby, to be recovered by action of dam-

ages on the official bonds of such clerk or by special action on the case.

SEC. 20.—*Be it further enacted*, That if any clerk shall willfully neglect to perform any of the duties required of him by this act, or shall perform them in any other manner than is required by law, he shall be deemed guilty of a misdemeanor in office and shall be removed therefrom; *provided*, that no clerk shall be bound to record any deed or other instrument of writing for which a fee may be allowed by law, until such fee shall have been paid or tendered to him by the party requiring the record to be made.

SEC. 21.—*Be it further enacted*, That the clerks of the several Probate Courts, under the old Constitution, shall deliver over to the clerks of the county courts of the respective counties, all books, records, and papers belonging to said county courts, so far as they appertain to the jurisdiction of said county courts under the laws and constitution of this Nation, which said books, papers, and records shall be kept and preserved by said clerks of the county courts, and they are authorized and required to do and perform all acts in relation thereto, which are now authorized and required to be done by said clerks of the county courts.

SEC. 22.—*Be it further enacted*, That the clerks of the several counties in this Nation shall be entitled to receive as a compensation for their services, the sum of fifty dollars a year, each to be paid quarter-yearly on the County Judge's order to the National Auditor, who is directed to issue his warrant on the National Treasury for the same.

SEC. 23.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any wise in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 29th, 1860.

AN ACT entitled an act defining the duties of County Treasurer of the several counties in each district of the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the clerk of the County Court in each county within this Nation shall be County Treasurer, who shall hold his office for the term of two years, unless sooner removed ; shall be commissioned by the Principal Chief, and before he enters on the duties of his office, he shall take and subscribe the oath prescribed in the Constitution before the County Judge of the county for which he is appointed, which shall be certified by the County Judge administering the same on the book of his commission, and shall also give bond with two or more good and sufficient securities to be approved by the Judge of the County Court, in such penalty as said Judge may direct, payable to said Judge of said court of the proper county for the time being, and his successor in office with the like condition, after making the necessary changes as is directed by law to be given in the bond of the National Treasurer, which bond, with the approbation of the sureties therein named endorsed thereon, shall, together with the endorsement be recorded in the office of the clerk of the County Court of the county for which said Treasurer is appointed, and the bond filed in the same office, there to be safely kept and preserved, and may be sued on in the like manner, and with like effect, in all respects as the bond given by the National Treasurer.

SEC. 2.—*Be it further enacted,* That if any county treasurer shall neglect or refuse to give bond and security, and take the oath of office as aforesaid, for the space of ten days after he shall have been appointed, such appointment is hereby declared absolutely null and void, and the Judge of the County Court shall immediately appoint another in his place, with the like conditions aforesaid in the above section.



SEC. 3.—*Be it further enacted*, That it shall be the duty of each county treasurer to receive and keep the moneys of the county, to disburse the same agreeable to law, and take receipts for all moneys he shall so disburse; and he shall keep regular accounts of the receipts and expenditures of the funds of the county, and of all debts due to or from the county for which he is treasurer, and direct prosecutions, according to law, for all debts that are or shall be due to the county for which he is appointed.

SEC. 4.—*Be it further enacted*, That it shall be the duty of the several county treasurers to make a detailed report, quarterly yearly, of his county, of all moneys received by them, and the disbursement thereof, and of all debts due to and from the county, may clear and distinctly appear; and if any county treasurer shall neglect or refuse to make such report, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal, to be recovered by action of debt, or information in the name of the Judge of the County Court of such county in any court of competent jurisdiction, and applied to the use of the county; *and provided*, that the county treasurer fail to make reports on account of sickness, or any other lawful excuse, then he shall not be prosecuted for the same.

SEC. 5.—*Be it further enacted*, That the county treasurer of each county is hereby empowered and required to examine the accounts, dockets and records of the clerks of circuit court, sheriff and ranger of his county, for the purpose of ascertaining whether any moneys of right belonging to such county may be in their hands.

SEC. 6.—*Be it further enacted*, That when any allowance shall be made by any court to any other persons payable out of the county treasury, the clerk of such court shall make out a fair copy of the account so allowed, and certify such allowance under his hand and seal of office, and recite therein under what statute it was made; and if the county treasu-



rer shall have any doubt of the propriety of any such allowance made as aforesaid, he shall not pay the same, but shall make report thereon to the next succeeding meeting of the County Court, for its consideration; and no court shall be authorized to make any allowance payable out of the county treasury, unless the same be provided for by some act or resolution of the General Council; and no money shall be paid out of the county treasury to any person or persons unless the same shall have been previously allowed by the County Court of the proper county, or some other court or officer lawfully authorized to make allowance, and duly certified.

SEC. 7.—*Be it further enacted*, That if any county treasurer shall misapply, waste or embezzle any money in the treasury of the county, it shall be the duty of the National Attorney, or District Attorney of the proper circuit, to proceed against such defaulting treasurer and his sureties, for the amount of the money so misapplied, wasted or embezzled, by motion, in the name of the Judge of the County Court for the time being, in the Circuit Court of the county wherein such default was made, ten days' previous notice of such motion being first given to such county treasurer and his sureties; and the Court may, on such motion, direct a jury to be impaneled instantly for the trial of the issue, if the defendants appear and plead, or to inquire of damages, if the defendants make default; and if, on such trial, the treasurer shall be convicted, he and his sureties shall be adjudged to pay double damages; and, moreover, such county treasurer shall be thereby rendered incapable thereafter of holding any office of honor or profit under this Nation.

SEC. 8.—*Be it further enacted*, That it shall be the duty of the clerks of the Circuit Court of the several counties in this Nation, within ten days after the adjournment of their courts respectively, to return to the county treasury of the proper county, a list containing a statement of all fines, penalties and forfeitures imposed by said courts respec-

tively, which may be payable, in whole or in part, into the county treasury of such county, not contained in any previous return, together with the name of the sheriff, clerk, or other officer, who has received any such fines, penalties, forfeitures, or become liable to pay the same by law, in order to enable the said county treasurer to collect the same according to law; and every clerk failing to perform the aforesaid duty shall forfeit and pay the sum of one hundred dollars, to be recovered by the county treasurer of the proper county, by action of debt or information in any court of competent jurisdiction, and paid into the county treasury for county purposes.

SEC. 9.—*Be it further enacted*, That if any sheriff, clerk, or other officer who has received, or become liable by law, for the payment of any fine, penalty, or forfeitures, and shall not within twenty days after his having received the same, or become so liable, account with the county treasurer of the proper county, and pay the same into the treasury thereof, then, and in every such case, it shall and may be lawful for the said treasurer, upon motion made in the Circuit Court of said county, to demand judgment against such sheriff, clerk or other officer, and their sureties, for the amount of such fines, penalties, forfeitures, as aforesaid, and such court is hereby required to give judgment accordingly, and award execution thereon; *Provided*, that such sheriffs or other officer have ten days' previous notice, in writing, of every such motion.

SEC. 10.—*Be it further enacted*, That it shall be the duty of the National Attorney and District Attorney, in their respective circuits, to attend to the prosecution of all suits against any defaulting officers named in this act.

SEC. 11.—*Be it further enacted*, that if the county treasurer of any county within this nation shall be convicted of having violated any of the duties enjoined on him by this act, the Judge of the County Court shall vacate the commission

of such county treasurer, and the vacancy occasioned thereby shall be supplied by the Judge of the County Court, to be commissioned by the Principal Chief; oath, bond and securities to be given, as is required in the section first of this act.

SEC. 12.—*Be it further enacted*, That the Judge of the County Court of each and every county in this Nation, be and are hereby required to allow the county treasurer of each and every county a recompense of five per cent. on all moneys paid into the county treasury for county purposes.

SEC. 13.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in anywise in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 29th, 1860.

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AN ACT entitled an act defining the duties of the office of sheriff in the several counties of the Choctaw Nation, and fixing his salary.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That there shall be elected by the qualified electors of each county in this Nation, at the times and places of holding the general elections, one sheriff for each county within this Nation, who shall be commissioned by the Principal Chief, and shall continue in office for the term of two years, unless sooner removed; and before he enters on the duties of his office, he shall take the oath of office prescribed in the Constitution before any Judge of a Court of Record, and enter into bond with good and sufficient securities, to be approved by the County Judge of such county, in the penalty hereinafter specified, payable to the Principal Chief of the Nation for the time being and his successors in office; the



condition of such bond shall be in the form or to the effect following, to wit: The condition of the above obligation is such, that, whereas, the above bound ———— was duly elected by the qualified electors of the county of ———— sheriff of said county, at an election, held on the — day of ————, for the term of two years; now, therefore, if the said ———— shall well and truly collect all fines and forfeitures accruing to or becoming due to the Nation, or any county within the same, which may lawfully come into his hands for collection against any person or persons residing or being found within the county of which he is sheriff, and shall punctually pay all such fines and forfeitures so collected to the person or persons entitled by law to receive the same, and shall also well and truly execute and make due return of all process and precepts to him lawfully directed, and pay and satisfy all sums of money by him received by virtue of any civil process or precepts to the person or persons to whom the same are due, his agent or attorney, lawfully authorized to receive the same, his or her executors, administrators, or assignees, and in all things shall well and truly execute and faithfully perform the said duties of the office of sheriff during the term of his continuance therein, then the above obligation shall be void, otherwise to be and remain in full force and virtue. The County Judge shall endorse on said bond his approbation of the sureties therein named, and a certificate that he has administered to the sheriff the oath of office, and shall cause the bond, together with the endorsement thereon, to be recorded in the office of the Clerk of the County Court, and immediately thereafter deposit the same in the office of the National Secretary, there to be safely kept and preserved; and shall not be void on the first recovery, but may be put in suit and prosecuted from time to time at the cost and charges of any party injured, until the whole amount of the penalty thereof be recovered. An authenticated copy of any such bond shall be received in evidence in any court of law in this Nation in



the same manner as the original would be if it were present in court.

SEC. 2.—*Be it further enacted*, That the sheriffs of the several counties in this Nation shall respectively execute bonds, with security as aforesaid in the following penalties, to wit: the Sheriff of the county of Sans Bois in five hundred dollars; the Sheriff of Skullyville county, fifteen hundred dollars; the Sheriff of the county of Sugar Loaf in one thousand dollars; the Sheriff in the county of Gains in five hundred dollars; the Sheriff of the county of Tobucksy in five hundred dollars; the Sheriff of the county of Wade in five hundred dollars; the Sheriff of the county of Nashoba in five hundred dollars; the Sheriff of the county of Eagle in one thousand dollars; the Sheriff of the county of Boktuklo in one thousand dollars; the Sheriff of the county of Red River in one thousand dollars; the Sheriff of the county of Towson in fifteen hundred dollars; the Sheriff of the county of Cedar in one thousand dollars; the Sheriff of the county of Jack's Fork in five hundred dollars; the Sheriff of the county of Atoka in five hundred dollars; the Sheriff of the county of Kiamichi in fifteen hundred dollars; the Sheriff of the county of Blue in one thousand dollars; the Sheriff of the county of Cooper in five hundred dollars.

SEC. 3.—*Be it further enacted*, That if the candidate having the greatest number of votes as sheriff of any county in this Nation, shall fail or refuse to take the oath of office, and give bond, as by this act is directed, for the space of ten days after he shall have been duly elected, and notified thereof officially, such election is hereby declared void, and it shall be the duty of the County Judge to certify the fact to the Principal Chief, who shall thereupon fill such vacancy by appointment, as the Constitution directs.

SEC. 4.—*Be it further enacted*, That in case the securities, or either of them, of any sheriff, shall remove his or their residence out of this Nation permanently, or shall become in-

solvent, it shall be the duty of the County Judge, on satisfactory proof of such removal or insolvency, to notify such sheriff to appear before him at a day and place therein named, within ten days thereafter to give a new bond with other good and sufficient security, in a penalty equal to that of the former bond, with the like conditions; and if such Sheriff shall fail so to do, the said County Judge shall certify the fact to the Principal Chief, who shall forthwith vacate the commission of the sheriff so refusing or neglecting, and he shall fill such vacancy by appointment; and if any sheriff shall be found, by inquest according to law, an idiot, lunatic, or *non compos mentis*,\* during the period for which he is elected, or appointed, the Principal Chief shall fill such vacancy by appointment.

SEC. 5.—*Be it further enacted*, That if any sheriff elect shall presume to execute the duties of sheriff before he shall have given bond and taken the oath of office, agreeable to the directions of this act, all such his acts and proceedings done under color of office, shall be absolutely void, and he shall for such offence be liable to be indicted for a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, fined in any sum not exceeding five hundred dollars.

SEC. 6.—*Be it further enacted*, That the sheriffs of the several counties in this Nation shall have power to appoint one or more deputies, who shall have full power to do and perform all the several acts and duties enjoined upon the principals, and every such appointment shall be in writing under the hand and seal of the sheriff, and every deputy sheriff, before he enters upon the duties of his office, shall take and subscribe before any Judge of a Court of Records, an oath faithfully to execute the office of deputy sheriff, according to the best of his skill and judgment, which appointment, with the certificate of the oath thereupon, endorsed and attested

\* See note at the end of this book.

by the said Judge, shall be by said deputy sheriff carefully filed, and securely kept in the office of the Clerk of the County Court in and for the same county ; *provided* that nothing in this section shall be construed to prevent the sheriff from removing his deputy or deputies at pleasure ; and if any person shall proceed to execute the office of deputy sheriff, before he shall have received an appointment as aforesaid, and taken the oath of office, and filed the said appointment and certificate of such oath in the clerk's office as aforesaid, then all such of his acts and proceedings done under color of office shall be absolutely void ; no person who may be deputized by any sheriff to do a particular act only, shall be required to take the oath directed by this act to be taken by the deputy sheriff.

SEC. 7.—*Be it further enacted*, That every sheriff by himself or deputy shall, from time to time, execute all writs and other process to him legally issued and directed in his county, and shall make due return thereof to the proper court on the day to which the same is returnable ; and if any sheriff shall fail herein, or shall make a false return on any such writs or other process issued and directed to him as aforesaid, such sheriff shall, for every such offence, be fined by the courts into which such writs or other process is returnable, in any sum not exceeding one hundred dollars, on motion, reasonable notice being first given to the sheriff of such motion, one moiety thereof to the party grieved, and the other moiety to the Nation for the benefit and use of the library fund, and such sheriff shall, moreover, be liable to the action of the party injured by such default, for all damages which he, she, or they may have sustained thereby, and also such other fines, penalties and forfeitures as may be provided by law against sheriffs for failing to return writs or other process directed to them, or for making a false return thereon

SEC. 8.—*Be it further enacted*, That the sheriff of any county shall have the same remedy and judgment against his



deputy failing to pay the money by him received on any execution or other process to the sheriff or the party to whom the same is payable, his agent or attorney, or suffering any person in his custody to escape, or the party for whose benefit such writ was issued may have against the sheriff or his deputy, or the securities of such sheriff.

SEC. 9.—*Be it further enacted*, That in order to prevent disputes between sheriffs and their several deputies, which of them may have acted in serving executions or other process, that when any deputy sheriff hath served any writs, executions, attachments or other process whatever, he shall indorse on such writs or other process the day of the month and year he or they shall have served the same, and subscribe his name as well as that of his principals to the return of such writs or other process; and every deputy sheriff failing herein shall be liable to the same penalty as is by this act inflicted on the sheriff for a false return, and to be recovered and appropriated in the same manner.

SEC. 10.—*Be it further enacted*, That when any fine, penalty, or judgment which may be assessed or rendered against any sheriff, his heirs, executors or administrators, for or on account of any default or misconduct of any deputy of such sheriff, it shall and may be lawful for the court in which such fine, penalty or judgment may be assessed or rendered upon motion to them made by such sheriff, his heirs, executors or administrators, to give judgment against such deputy and his securities, their heirs, executors or administrators, jointly and severally, for the full amount of all such fines, penalties or judgments, and to award execution for the same; *provided*, such deputy and his securities and their legal representatives have ten days' notice of such motion.

SEC. 11.—*Be it further enacted*, That every sheriff who shall have levied any writ of execution or other process on goods and chattels which shall remain in his hands and possession



unsold at the expiration of his term of service, shall be and is hereby required to deliver over such goods and chattels so levied upon and remaining unsold to his successor in office, taking his receipt for the same; and it shall be the duty of the sheriff to whom such goods and chattels are delivered as aforesaid, to proceed to sell the same, after giving thirty days' notice at three public places, one of which shall be at the court-house or ground, in like manner as his predecessor ought to have done had he continued in office; and to account for and pay the proceeds of such sale to the party or parties entitled thereto by law; and if any sheriff shall fail or refuse to deliver over to his successor in office any goods and chattels so levied on and remaining in his hands as aforesaid, on demand thereof made, it shall be lawful for the party for whose benefit such writs of execution or other process issued, to move the court from which the writs or process issued against the sheriff so failing or refusing, and his securities and their legal representatives upon which motion judgment shall be entered up for the amount of the execution or other process which came to the hand of such defaulting sheriff, with interest at the rate of fifteen per centum per annum from the return day of such execution or other process and the costs of such motion; *provided*, that such sheriff shall have ten days' notice of such motion.

SEC. 12.—*Be it further enacted*, That every sheriff shall, at the expiration of his office, deliver all writs in his possession unexecuted to his successor in office, who shall give a receipt for the same, and shall execute and return all such writs; and shall also deliver to his successor a certified list of the names of all persons confined in the jail of his county, when there shall be one jail in each county, otherwise in the jail of the judicial circuit in which his county was situated, and the cause of commitment, a copy of which list shall be filed in the clerk's office of the county court by the sheriff receiving the same; *provided*, however, until jails are erected

in each county of this Nation, it shall be lawful for any sheriff of this Nation to receive into their custody all persons committed to their care as aforesaid.

SEC. 13.—*Be it further enacted*, That it shall be the duty of every sheriff to keep the peace within his county, by causing all offenders against the law in his view to enter into bond with securities for keeping the peace and appearing at the next term of the Circuit Court to be holden in the county of which he is sheriff, to answer the charge alleged against them; it shall be his duty to suppress all unlawful assemblies, for which end he is hereby empowered to call to his aid the power of the county; he shall pursue, take and commit to jail all persons charged with treason, felony, and all other crimes; and he is authorized to take good bond from the parties arrested for their appearance at the next term of the Circuit Court, except in cases of murder, which shall only be bailable by the Judge of the County Court or Circuit Court; he shall duly attend upon all the courts of records at their respective terms in his county, and for such services shall receive, in addition to the fees of office, the sum of twenty-five dollars, to be paid out of the county treasury of his county upon the certificate of the circuit clerk, and seventy-five dollars out of the National Treasury; upon the certificate of the Circuit Judge, the National Auditor shall issue his warrant on the National Treasurer for the same, payable quarterly.

SEC. 14.—*Be it further enacted*, That it shall be the duty of the sheriffs of the several counties of this Nation to execute all orders or requisitions of the Principal Chief or United States Agent for this Nation, whether verbal or written, for the arrest and safe keeping of any and all persons and property charged with a violation of laws of the United States, and the safe guarding and transmission of such person or persons or property either beyond the limits of the Nation, or taking him, her, or them before said agent, at such time

and place as may be by said agent, or the Principal Chief of the Nation directed as aforesaid.

SEC. 15.—*Be it further enacted*, That it shall be the duty of every sheriff, without warrant, to seize, spill, and search for all kinds of vinous or intoxicating liquors, and to destroy all barrels, kegs, jugs and whatever character of vessels may contain such liquors, and to arrest and take before some Judge all persons introducing, buying, selling, bartering, or giving away the same, to be dealt with as the law directs.

SEC. 16.—*Be it further enacted*, That when any sheriff or deputy finds that resistance is going to be made to the execution of any writ or process directed to him, or any duty that he is officially authorized to perform, he shall take the power of the county with him and execute the same, and report the person or persons resisting to the next term of the Circuit Court of the county to which the resistance is made, to be proceeded against as the law directs.

SEC. 17.—*Be it further enacted*, That all warrants, mittimus, writs, process, or precepts of any and all kinds, by which any person is arrested or committed to jail, shall be filed away and safely kept by the sheriff, and shall be turned over to his successor in office as other papers are directed to be turned over.

SEC. 18.—*Be it further enacted*, That the sheriffs of the several counties in this Nation shall keep their offices at the place of holding the courts of their respective counties; but in case where no office has been provided, they may keep their offices at such places as the County Judges shall direct.

SEC. 19.—*Be it further enacted*, That the sheriffs are by virtue of their office, jailors of their several counties, and shall receive all persons legally committed to their care, and keep them safely until discharged by due course of law; *Provided*, that this section shall apply alone to those sheriffs



in each judicial circuit in whose counties there is now a jail until there be one erected in each of the other counties.

SEC. 20.—*Be it further enacted*, That when any prisoner in jail shall not be able to support himself, the jailor shall be allowed fifty cents per day for the maintenance of every such prisoner, to be paid out of the county funds upon affidavit of the sheriff; and in case any prisoner in jail shall be sick, and the jailor shall be of the opinion that medical attendance is necessary, he shall call some physician to attend such prisoner, and in case he be unable to pay the physician so called, the District Attorney shall examine and allow the account to be paid out of the National Treasury; *provided*, the prisoner be held in jail to answer the Nation in a charge against him, otherwise the account shall be paid out of the county funds.

SEC. 21.—*Be it further enacted*, That any person convicted of any crime or misdemeanor whatever in this Nation, who may take an appeal or writ of error to the Supreme Court, shall remain in the jail of the county or circuit, as the case may be, wherein he was convicted, and shall not be removed to the place where the Supreme Court may be in session as formerly.

SEC. 22.—*Be it further enacted*, That the sheriffs shall receive two dollars per day for their attendance on the Circuit Court, upon the certificate of the Judge, which certificate shall be recorded and placed in the hands of the National Auditor, who shall thereupon issue a warrant upon the National Treasurer for the amount.

SEC. 23.—*Be it further enacted*, That all acts or parts of acts heretofore passed, in any manner coming in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 26th, 1860.



AN ACT entitled an act defining the duties of the office of District Attorney, and fixing the salary, etc., thereof.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the qualified electors of this Nation, residing within each judicial circuit of the Nation, shall elect a District Attorney for each judicial circuit, which District Attorney so elected shall continue in office during the term of two years; and said District Attorneys shall before they enter upon the duties of their office severally take and subscribe the oath prescribed in the Constitution, which oath shall be administered by the Principal Chief, or any of the several judges, and certified on their commissions, and shall reside within their respective circuits; and it shall be the duty of said District Attorneys to appear and prosecute for the Nation in all cases in their respective circuits in all criminal prosecutions and in all civil cases where the Nation or any county in their respective circuits may be a party interested; and all accounts of a public nature before they are allowed by any of the circuit courts shall be presented to the District Attorney of the proper circuit for his approval in writing; and it shall be the duty of the District Attorney to give his opinion in writing to the County Treasurer in all cases concerning the revenue and expenses of any county in their respective circuits whenever required; and shall when thereunto required by any treasurer of any county in his circuit institute and prosecute to effect before the proper court, all persons indebted to the Nation, or any county within the same, in the manner that may be prescribed by law.

SEC. 2.—*Be it further enacted,* That if any District Attorney through neglect fail to attend any term of the circuit court of their respective circuits, the circuit court in which such failure is made is hereby authorized and required to employ some attorney to act for the Nation in the place of such district attorney so failing to attend, and the attorney so em-

ployed shall for his services be paid by the District Attorney so failing to attend such sum as shall be allowed by said circuit court, not in any one case, and for one failure to exceed twenty-five dollars; *provided*, said District Attorney so failing shall have been prevented to attend by sickness or high water, which are satisfactory to the circuit court, then such attorney *pro tem.* be allowed twenty-five dollars out of the National Treasury, upon the certificate of such Circuit Judge to the National Auditor, who is hereby required to issue his warrant therefor.

SEC. 3.—*Be it further enacted*, That in all cases of conviction of felonies, the District Attorney shall be allowed a fee of ten dollars, and in all cases of conviction for misdemeanor a tax fee of five dollars shall be allowed said District Attorney, which shall be taxed in the bill of costs collected, and paid over to the District Attorney entitled to the same.

SEC. 4.—*Be it further enacted*, That if any District Attorney in this Nation shall in any manner consult, counsel, advise, or defend a person within this Nation charged with any crime, misdemeanor, or breach of any penal statute, the District Attorney so offending shall, on conviction thereof in any court of competent jurisdiction, be fined in a sum not exceeding two hundred dollars, and shall be removed from office, and be rendered incapable thereafter of filling any office of profit or honor in this Nation.

SEC. 5.—*Be it further enacted*, That in addition to the fees allowed the District Attorneys by this act, they shall each be entitled to receive, as a compensation for their services, out of the National Treasury, viz.: District Attorneys of Mosholatubbee and Pushamatahu Districts each receive the sum of one hundred and seventy-five dollars, and the District Attorney of Apukshunnubbee District the sum of two hundred dollars, to be paid quarter-yearly upon presentation of the account therefor, when the National Auditor shall issue his warrant for the same upon the National Treasury.

SEC. 6.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in anywise in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 19th, 1860.

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AN ACT entitled an act defining the duties of Ranger in the several Counties of this Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, that the qualified electors in each county in this Nation, at the time and places of holding the general elections, shall elect a Ranger for their respective counties, who shall be commissioned by the Principal Chief, and shall hold his office for the term of two years, unless sooner removed; and before he enters upon the duties of his office, he shall take and subscribe the oath required by the Constitution, before any Judge of a Court of Record, which shall be certified on the back of his commission, by the Judge administering the oath, and shall give bond with good security, to be approved by the County Judge, in the penalty of five hundred dollars payable to said County Judge, and his successors in office, conditioned for the faithful performance of the duties of his office, which bond, with the approbation therein named, endorsed thereon, shall, together with the endorsement, be recorded in the office of the clerk of the County Court of the county for which said Ranger is elected, and shall not be void on the first recovery, but may be put in suit and prosecuted by any party injured until the whole penalty thereof be recovered.

SEC. 2.—*Be it further enacted*, That the Ranger of every county shall keep a book in which he shall register all the certificates of strays delivered to him by the taker-up of



strays, or transmitted to him by any County Judge of the county, and shall file the same in regular order; it shall be his duty to cause a copy of the certificates of every appointment to be posted in the public places in his county; he shall also make out a fair and correct list of all strays, and post the same at the place of the holding of the County Court of his county, on the first day of each meeting of said Court, omitting such strays as are proven away, sold, or escaped, or dead, under a penalty of ten dollars, for every such neglect or omission.

SEC. 3.—*Be it further enacted*, That the Ranger of each county shall receive, as fees of office, for every horse or mule sold, one dollar and fifty cents; for every cow, oxen, or other head of cattle sold, fifty cents; for every sheep, hog, or goat sold, twelve and a half cents; for every certificate posted up, fifty cents, to be paid out of the proceeds of sale.

SEC. 4.—*Be it further enacted*, That when any stray shall have been found dead, or shall have escaped, the taker-up shall, without delay, report thereof to the Ranger, on oath, who shall make a memorandum of the same, on the margin of his book, where the certificate of such stray was registered.

SEC. 5.—*Be it further enacted*, That when any stray shall be proven away, the owner thereof shall pay to the taker-up and the Ranger one dollar and fifty cents each, for every horse, mule, or pony; fifty cents for every cow, oxen, or other head of cattle; and twelve and a half cents for every sheep, hog, and goat.

SEC. 6.—*Be it further enacted*, That after the expiration of twelve months from the date of certificate of strays, as aforesaid, and if no owner appear and prove his or her property, the stray or strays so taken up and appraised, as aforesaid, shall be exposed to public sale for cash or county paper, by the Ranger, who shall give public notice of such sale, at least twenty days' previous thereto, by advertisement thereof, in



writing, at the place where the courts are usually held, and at two other public places in the county, and he shall describe the stray or strays, intended to be sold, in the advertisement, and, from the proceeds of such sale, the Ranger is hereby directed to pay to the taker-up one half the sum thereof, and the other half to the county treasurer for county purposes ; *provided*, that such taker-up shall pay to the Ranger one dollar and fifty cents, and all other expenses that may be prescribed by law.

SEC. 7.—*Be it further enacted*, That it shall be the duty of the Ranger, as soon as money shall be made by the sale of the stray or strays, to pay over the net proceeds thereof to the county treasurer, to be appropriated to county purposes, deducting five per centum commission for his services ; and in case of default of the Ranger, his bond shall be put in suit by the County Judge, for the time being, for such delinquency ; and it shall be lawful for any person claiming the proceeds of the sale of such stray or strays, within twelve months thereafter, to make claim to the same before the County Judge of the county, and an order shall issue for the net proceeds thereof, on the county treasurer, on proof of title to the same.

SEC. 8.—*Be it further enacted*, That the sale days of the Rangers shall be quarter-annually in each county, two of which days shall be on the first day of each regular term of the Circuit Court, and he shall report to the Judge of the County Court, of their respective counties, quarter-yearly, the amount of moneys received by them, on account of the sale of strays.

SEC. 9.—*Be it further enacted*, That all strays, horses, mares, mules, jacks, jennets, ponies and colts, and cattle, shall be brought to the place where the Circuit Court sits in each county, where said strays have been taken up on the day of sale, and there publicly exposed from ten till three o'clock of said day, and that all stray sales shall take place in each

county at the same place where the Circuit Court is held.

SEC. 10.—*Be it further enacted*, That all acts and parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 31st, 1860.

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AN ACT entitled an act creating a corps of light-horse men, defining their duties and fixing their pay.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall be a corps of six National Light-Horse Men in this Nation, who shall receive their appointment by commission from the Principal Chief, and shall take the oath prescribed in the Constitution, to be administered by the Principal Chief or any judges of the Nation and subscribed on the back of their commissions, and who shall serve for the term of two years, unless sooner removed by the Principal Chief.

SEC. 2.—*Be it further enacted*, That the Principal Chief shall commission one of said light-horse men so appointed captain thereof, and it shall be the duty of said captain to preserve order and discipline among the rest, and to see that each one of them is properly armed, equipped and mounted for immediate service, and to report to the Principal Chief any improper conduct or failure to discharge the duties required of any or all of them.

SEC. 3.—*Be it further enacted*, That said light-horse men shall be under the exclusive direction and control of the Principal Chief of this Nation; they shall be messengers of the Principal Chief upon any matter of national concern; they shall keep the peace of the Nation; they shall faithfully

aid in the execution of the criminal laws of this Nation ; they shall suppress, if necessary, with the aid of County light-horse men, and of other citizens, whom they are hereby empowered specially to summon for the purpose, all riots, routs and unlawful assemblies, and report the same, with all other violations of the penal laws, to some judge or other proper officer.

SEC. 4.—*Be it further enacted*, That the District light-horse men appointed in each county of this Nation shall be empowered and are hereby directed to search for, seize and spill all vinous, spirituous, or intoxicating liquors, found anywhere and in the possession of any one in this Nation, and to break and destroy all bottles, barrels, jugs, or other vessels of any kind whatever containing the same, and report all persons having the same in possession, as by this act directed in other offences.

SEC. 5.—*Be it further enacted*, That the Principal Chief shall keep the light-horse men, or such number as he may deem proper, at the place of holding the General Council during the session thereof, and shall specially direct them to keep order and quiet at such time and place; to see that no intoxicating liquors are brought within two miles in any direction of such place at said time, and, if necessary, the captain or any one of said light-horse men shall summon any number of citizens deemed requisite, over eighteen and under sixty years of age, to aid and assist in keeping order, spilling liquor and arresting the offenders, and taking them before a county judge, which judge is hereby empowered and directed to bind such person, or persons, so offending, over to the next circuit court thereafter in a bond not exceeding in penalty two thousand dollars, to appear and answer such charges as may be preferred against him or them.

SEC. 6.—*Be it further enacted*, That if any person or persons offending, as hereinbefore stated, shall offer or threaten any forcible resistance with deadly weapons to the captain, or any of the light-horse men, or other person or persons summoned, as this act specifies, in the discharge of



any of the duties hereinbefore set forth, it shall be the duty of the captain, or any of the light-horse men, and others summoned by them to shoot down any and all persons so threatening or assisting with deadly weapons.

SEC. 7.—*Be it further enacted*, That the Principal Chief is hereby authorized and directed to order the light-horse men, or any number of them that may be required, to attend the United States Indian Agent for this Nation whenever he may call for them, and the light-horse men are hereby directed strictly to obey all orders he may give them in the execution of the laws of the United States.

SEC. 8.—*Be it further enacted*, That the captain of the light-horse men shall be entitled to receive, as a compensation for his services, the sum of two hundred dollars a year, and the light-horse men shall receive for their services the sum of one hundred and fifty dollars a year each, to be paid quarter-yearly on the Principal Chief's order to the National Auditor, who is directed to issue his warrant on the National Treasury for the same.

SEC. 9.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 29th, 1860.

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AN ACT providing for holding elections in this Nation, and for other purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That in all elections by the people the mode of voting shall be by ballot, and in the following manner, to wit: Every voter shall write out the name of such candidate as he may think proper to vote for, and present the same to the judges of the election, who, being satisfied with the qualification of such voter, shall number the ticket which shall correspond with the number of such voter named



on the margin of the poll book, and the judges shall deposit the ticket in the ballot box.

SEC. 2.—*Be it further enacted*, That the clerks of the election shall write the name of each and every voter voting on the poll book, numbering the same on the margin from one to the whole number of votes polled at such election, thus :

No.	NAMES OF VOTERS.

SEC. 3.—*Be it further enacted*, That the several County Judges of the Nation shall, at the term of their respective courts, one month immediately preceding each general election, appoint three discreet persons for each precinct in their respective counties having the qualifications of electors, to act as judges of election in their respective beats ; and the judges so appointed shall select two persons having the like qualifications to act as clerks thereof.

SEC. 4.—*Be it further enacted*, That if the court shall fail to appoint election judges and clerks, or those appointed shall fail to act, it shall be the duty of the voters, when assembled, to appoint suitable persons to fill such vacancies.

SEC. 5.—*Be it further enacted*, That it shall be the duty of the several sheriffs of the counties of this Nation, at least one month before each election, to give public proclamation throughout the county of the time and places of holding such election in his county, and the officers to be elected at that time.

SEC. 6.—*Be it further enacted*, That it shall be the duty of the sheriff and deputy sheriff to make out copies of such proclamation, and to post up the same at each precinct, and at two or more public places in their county.

SEC. 7.—*Be it further enacted*, That the judges and clerks of election shall severally take and subscribe before some Judge of a Court of Record the following oath, to wit : “I

do solemnly swear that I will perform the duties of Judge of the present election, according to law and the best of my abilities, and that I will studiously endeavor to prevent fraud and deceit in conducting the same." And the clerks of election shall take the following oath, viz: "I do solemnly swear that I will faithfully record the names of all voters voting at the present election, and carry out in lines and columns all the votes polled, &c."

SEC. 8.—*Be it further enacted*, That in case there be no person present at the opening of any election authorized by law to administer the oath of office, it shall be lawful for the judges of the election appointed to administer the oath to each other, and then to the clerks, and such judges shall be vested with full power to administer all oaths that may be necessary in conducting any election.

SEC. 9.—*Be it further enacted*, That it shall be the duty of the Judges of the County Courts, at least twenty days previous to any election, to make or cause to be made out four blank poll books, two for district and county officers, and two for Principal Chief, and to provide for each precinct ink, pens, paper and wafers, sufficient for the purposes thereof, the same to be paid out of the County Treasury upon the certificate of the Judge so providing the same, &c., and shall deliver the said books so made out to the sheriff or his deputy, to be used at their respective precincts, &c.

SEC. 10.—*Be it further enacted*, That the judges of each election shall open the polls in the morning at eight o'clock A. M., and shall close the same at sunset on the same day, and that the judges of election shall order the sheriff or his deputy or light-horse to take and confine any person for misbehaviour or contempt of such judges holding any election, and may impose a fine upon such offender not to exceed ten dollars.

SEC. 11.—*Be it further enacted*, That whenever any person offers to vote, and the judges have any doubts as to his qua-

fications, they are hereby authorized to examine the party under oath to satisfy themselves as to his qualifications, and may call upon any other parties to answer questions as regards such person's qualifications.

SEC. 12.—*Be it further enacted*, That any person or persons, not being qualified voters according to the constitution and laws of this Nation, and shall willfully and knowingly vote in any election, shall forfeit and pay in the sum of twenty-five dollars, to be recovered before any county judge, one-half for the use of the county, and the other half for the use of the person suing for the same, and any person or persons voting more than once in any one election held in this Nation, shall forfeit and pay the sum of fifty dollars, to be recovered before any county judge, one-half for the use of the county, and the other half for the use of the person suing for the same.

SEC. 13.—*Be it further enacted*, That if any judge or clerk of any election, or any other officer concerned in conducting any election shall neglect, improperly delay, or refuse to perform any of the duties required by law, having undertaken to do so, or shall knowingly permit any person to vote, not qualified according to the constitution and laws, or not sealing their poll book, or shall unduly attempt to influence the election, or shall knowingly do any other improper act, during his term of office, in any manner interfering in the election, shall forfeit the sum of fifty dollars, to be recovered before any county judge, one-half for the use of the county, the other half for the use of the person suing for the same.

SEC. 14.—*Be it further enacted*, That at the close of every election the judges of the election shall certify under their hands and seals the number of votes given to each person, and the office for which such votes were given, and it shall also be attested by the clerks of the election.

SEC. 15.—*Be it further enacted*, That after closing the polls



and making the certificate required by law, the judges of the election shall fold up one of the poll-books enclosing the certificate required by law, and shall seal and endorse the same, and direct to the Supreme Judge of the District; and the package so endorsed and directed shall be carried by the sheriff or his deputy to the Supreme Judge of the District within five days after the closing of the polls, and the other poll-books shall be returned by the election judges to the clerk of the County Court for the inspection of all persons interested.

SEC. 16.—*Be it further enacted*, That on the tenth day after the close of such election, or sooner, if all the returns have been received, the Supreme Judge shall call to his assistance three or more County Judges of his district, or other competent persons, and shall proceed to open poll-books for district and county officers, and compare the several election returns which may have been forwarded to such Supreme Judge, and make abstracts of the votes given for the several candidates for such office on separate sheets of paper; but he shall not open the election returns for the Principal Chief, but forward them as the Constitution directs.

SEC. 17.—*Be it further enacted*, That such abstract of votes returned to said Supreme Judge according to law, shall be signed by him, and deposited by him in the clerk's office of the Supreme Court, and there to remain for the inspection of all parties interested.

SEC. 18.—*Be it further enacted*, That the candidates receiving the highest number of votes for district and county offices shall be by such Supreme Judge declared elected, and he shall issue certificates to the persons elected, district, and county officers.

SEC. 19.—*Be it further enacted*, That if any Supreme Judge or other person concerned in comparing the returns of any election, shall neglect, improperly delay, or refuse to perform any of the duties required by law, having undertaken to do



so, or shall refuse to take any poll-book or books, or shall refuse to count any of the legal votes, or any one legal vote of a citizen entitled to vote according to the Constitution and laws of this Nation, shall each forfeit and pay the sum of five hundred dollars, to be collected in any of the Circuit Courts of his district, one half for county purposes wherein he was convicted, and the other half for the use of the person suing the same.

SEC. 20.—*Be it further enacted*, That the judges and clerks of election shall each receive for their services the sum of two dollars, to be paid out of the National Treasury.

SEC. 21.—*Be it further enacted*, That it shall be the duty of the judges of the election to certify to their poll-book in the following form, to wit :

“ We do certify that the votes given in the poll-book are true and correct, this the —— day of —— A. D. 18——  
Signed and sealed.

(Seal.)

(Seal.)

(Seal.)

SEC. 22.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act be, and are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 30th, 1860.

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A BILL to be entitled an act to provide for indigent Choctaws and for other purposes.

*Whereas*, in consequence of the unprecedented heat and long continued drought of last summer, there has been an almost total failure of crops among the Choctaws, and all the

horrors of famine are impending over very many of them ; and *whereas*, it appears from a letter addressed by Charles E. Mix, Acting Commissioner of Indian Affairs, to Col. P. P. Pitchlynn and by him forwarded to the Principal Chief of the Choctaw Nation, that the only fund now available in the hands of the department, subject to the control of the Choctaw Council with the consent of the department, is a reserved portion of interest arising from the investment of \$500,000 under the convention of 1837 with the Chickasaws, amounting to the sum of sixteen thousand one hundred and twenty dollars ; and *whereas*, the unclaimed portion of the Choctaw orphan fund, arising under the 19th article of the treaty of Dancing Rabbit Creek, concluded September, 1830, amounting to over \$20,000, is lying idle, but cannot be used without the consent of the Congress of the United States ; and *whereas*, existing obligations connected with the education of forty Choctaw youths in colleges in the United States, require the surplus of interest on the \$98,391,79 of stocks held in trust by the Secretary of the Interior for that purpose, but that the principal might be used without interfering with any present material interest or any existing contract of the Choctaws ; and *whereas*, in the opinion of this Council it is inexpedient to discontinue the Choctaw schools, and especially the neighborhood schools, for which is needed the \$11,597 of interest now on hand, also arising from the investment under the convention with the Chickasaws ; and *whereas*, it is hoped that Congress will make an early appropriation for the payment of the award made by the Senate of the United States for the payment of the debt ascertained to be now due the Choctaws, and that the same may be made available in time for the relief of the Choctaw people from famine during the approaching winter, therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Commissioner of Indian Affairs be and he is hereby authorized and requested to place in the

hands of the United States Agent for the Choctaws and Chickasaws, from the first money appropriated by Congress in payment of the debt due the Choctaw Nation, under the Senate award made, in compliance with treaty stipulations contained in the treaty between the United States, the Choctaws and the Chickasaws, June 22, 1855, the sum of one hundred and thirty-four thousand five hundred and twelve dollars and fifty-five cents, to be expended, or so much thereof as may be necessary, in the purchase, shipment and distribution of sixty-five thousand bushels of corn among the Choctaw people, per capita; *provided*, said appropriation can be had early enough to effect their relief; and *provided*, also, that all existing national obligations to be discharged out of said appropriation shall first be paid.

SEC. 3.—*Be it further enacted*, That the Commissioner of Indian Affairs be and he is hereby authorized and requested to place the sum of sixteen thousand one hundred and twenty dollars and eighty-six cents, reserved interest on the fund arising under the convention of 1837 with Chickasaws, in the hands of the United States Agent for Choctaws and Chickasaws for the immediate purchase and distribution of corn among the indigent and suffering Choctaws to relieve their present wants as far as possible.

SEC. 4.—*Be it further enacted*, That the Commissioner of Indian Affairs be and he is hereby requested to procure the consent of Congress to the loan by him to the Choctaws of the unclaimed Orphan Fund and the stock invested for the education of forty youths, &c., the sum so placed in the hands of the United States Agent for Choctaws and Chickasaws to be expended, or so much thereof as may be required, for the purchase of the quantity of corn estimated at —, necessary for the relief of the Choctaws; said loan not to be made, however, if the appropriation mentioned in the first section of this act can be had in time to save the Choctaw people from famine, with the distinct understanding, however, that



the Commissioner of Indian Affairs shall be and he is hereby authorized to replace and reinvest said trust funds so to be used out of the first Choctaw National Funds that may come into the hands of the department under the provisions of said treaty of June 22d, 1855, after all individual claims secured by said treaty, and all existing national obligations and contract on the part of the Choctaw Nation shall first be paid and fully complied with.

SEC. 5.—*Be it further enacted*, That the Principal Chief be and he is hereby authorized and directed to appoint some suitable person (citizen of the Nation) whose duty it shall be to aid and assist the United States Agent for Choctaws and Chickasaws in the purchase, shipment and distribution of good merchantable corn, to be delivered at the designated points, as the law directs, and that he receive as a compensation for his services the sum of three dollars per day and his necessary traveling expenses while actually engaged therein, to be paid upon the certificate of the Principal Chief out of the funds appropriated by this bill. And,

SEC. 6.—*Be it further enacted*, That the Commissioner of Indian Affairs be and he is hereby authorized to turn over out of the interest arising from \$500,000 under the treaty of June 22, 1855, to the Choctaw delegation, to-wit: P. P. Pitchlynn, I. Folsom and Samuel Garland \$2,000 each, in order to enable them to defray their expenses in attending to Choctaw business at Washington City.

SEC. 7.—*Be it further enacted*, That the Principal Chief of the Choctaw Nation be and he is hereby directed to forward to the Commissioner of Indian Affairs an authenticated copy of the act, with a respectful but earnest request that the resident Agent of the United States for the Choctaws and Chickasaws be required to proceed immediately to Washington, for the purpose of conferring with the Hon. Commissioner as to the best mode of carrying into effect the intentions of this Council, as set forth in this act, for the present relief of indigent



and suffering Choctaws, and to avert the danger of famine during the rigors of the winter among the great mass of the people, and to render such aid to the Choctaw Delegation at Washington City as may become necessary in urging upon the Congress of the United States the absolute necessity of early action for the relief of the Choctaws.

SEC. 8.—*Be it further enacted*, That the Principal Chief be and is hereby authorized and directed to forward the accompanying resolution urging upon the Agent of the Choctaws and Chickasaws the necessity of having the corn delivered here at an early day as possible, or so much thereof as the case will admit of, and to have the whole delivered by the first of May, 1861, otherwise corn will not be received.

Approved, October 27th, 1860.

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#### APPROPRIATION FOR FELETAH, ET. AL.

*Whereas*, Feletah, regularly commissioned officer of the Choctaw Nation, while in the legal discharge of his duty as the law directs, did summon David Harkins, Clay Harkins, Loring Harkins, Turner B. Turnbull and James Gibson to assist him in the performance of his duty, and during which occasion came in collision with H. C. Flack, a married white man in the Choctaw Nation, and his son, and in the difficulty both father and son were killed; the above defendants, with others, called to the aid of said officer in executing the law, were placed upon their trial at a regular term of the Circuit Court, and after a full, fair and impartial trial, were honorably acquitted by a jury of their country; subsequently they were rearrested by an officer of the United States Government and arraigned before the examining court of the United States for the Western District of Arkansas, on the charge of murder; therefore,

*Be it enacted by the General Council of the Choctaw Nation*

*assembled*, That the sum of five thousand dollars be and is hereby appropriated, out of any sum not otherwise appropriated, for the purpose of defraying the expenses which may, or may have been, incurred by the defendants in the case of the United States of America against Feletah and others, now pending in the District Court of the United States for the Western District of the State of Arkansas, and,

*Be it further enacted*, That the National Auditor be and he is hereby instructed to issue his warrant on the National Treasurer for the above sum in favor of the defendants in said case, to be used by them in such manner as their agent may deem necessary during their trial in said court.

Approved, October 10th, 1860.

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AN ACT entitled an act locating the County and Circuit Court ground in Boktuklo County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the County and Circuit Court ground of Boktuklo County be and the same are hereby located at the same old court ground, and to be called Ishtaya's Court Ground.

SEC. 2.—*Be it further enacted*, That there shall be two election precincts in Boktuklo County—one to be held at the aforesaid court ground, and the other one shall be held at the Church House near Lukfatah.

SEC. 3.—*Be it further enacted*, that all acts or parts of acts heretofore passed, coming in anyway in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 31st, 1860.

AN ACT entitled an act granting to Tandy Walker and Joseph R. Hall, the privilege to construct a Turnpike Road across the Poteau Swamps, and to establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation,* That the exclusive privilege be, and the same is hereby granted to Tandy Walker and Joseph R. Hall to establish a toll gate upon a certain road, upon the conditions and terms to wit: That if the said Tandy Walker and Joseph R. Hall shall well and truly construct, or cause to be constructed, a road known as a turnpike road, to be covered with stone or plank, commencing at the western end of the Iron bridge, lately erected by the Government of the United States across the Poteau River in Skullyville County, known as "Bridge Edwards," and extending westwardly to the base of the hill in the lane at the Ring place. They shall be entitled to demand and receive therefor, from all persons passing over the same, except citizens of this Nation, the rates of toll, to wit: for each four-wheeled wagon, or other vehicle, drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon, or vehicle, drawn by one or two horses, mules or oxen, with driver, the sum of twenty-five cents; for each man and horse, ten cents; for each animal in every drove of cattle, horses, hogs and sheep, one cent per head.

SEC. 2.—*Be it further enacted,* That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof being made to any Judge of the County Courts, said Judge shall give judgment, with fifty per cent. damages on the amount found due, and shall direct the clerk of said Court to issue a writ directed to the sheriff of any county in the Nation, who shall proceed to seize sufficient property belonging to such person or persons, and sell the same, upon not more than ten days' notice, at public sale, to satisfy the principal sum found due as afore-



said, damages and all costs ; or complaints may be made to the United States Agent.

SEC. 3.—*Be it further enacted*, That the exclusive privilege to receive toll herein given, take effect, and be in force whenever the said Tandy Walker and Joseph R. Hall shall well and truly construct, or cause to be constructed, the turnpike or plank road aforesaid, and so long as they keep the same in good order, and are responsible for all damages to any person or persons, with their property, traveling over the same, but shall in no case be responsible for any damages to person or property that may happen thereon to citizens of the Nation ; *provided*, the exclusive privilege herein granted shall not continue for a longer term than fifteen years.

SEC. 4.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, October 31st, 1860.

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AN ACT entitled an act locating the County and Circuit Court Grounds in Jack's Fork County, and Election Precincts.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the County and Circuit Court ground of Jack's Fork County, the same are hereby located near Tiashtubbee, on Ten-Mile Creek, where the road leading from Blackburn's to John Caffray's crosses the said creek, and shall be known and called by the name of Tishupaye's Court Ground, and that the court ground heretofore located at Baiyetalaya is hereby repealed.

SEC. 2.—*Be it further enacted*, That there shall hereafter be two election precincts in Jack's Fork County—one precinct to be held at or near Afabe Johnson's place, and the other one shall be held at Daniel Anderson's place.



SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 31st, 1860.

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AN ACT entitled an act locating the County and Circuit Court Grounds in Chuahla County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the County and Circuit Court ground of Chuahla County be, and the same are hereby located at Davis Frazier's place, and shall be known and called by the name of Frazier's Village.

SEC. 2.—*Be it further enacted*, That there shall hereafter be two election precincts in Chuahla County—one precinct to be held at Pine Hill, on Cedar Creek, and the other precinct at Lukfapa Chito.

SEC. 3.—*Be it further enacted*, That all acts or parts of acts heretofore, coming in anywise in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 24th, 1860.

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AN ACT entitled an act to Punish Public Officer, or any other person, for false entries in or changing any record of any court or public office.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That if any clerk of any court, or public officer, or any other person, shall wittingly make any false entry, or erase any word or letter, or change any record belonging to any court or public office whatever, in his keeping or not, he shall, on conviction thereof, be imprisoned in the county or district jail for a term not exceeding six months,

pay a fine in a sum not exceeding one hundred dollars, and be liable to the action of the party aggrieved.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved October 31st, 1860.

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AN ACT entitled an act locating County and Circuit Court ground in Nashoba County, and election precincts.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that the County and Circuit Court ground of Nashoba County, the same are hereby and shall be removed to, at or near Filehkatubbee's residence, and shall be known as Filehkatubbee's court-ground.

SEC. 2.—*Be it further enacted*, That there shall hereafter be two precincts in Nashoba County, one precinct to be held at Mullachar school-house, and the other precinct at Tullaholihtha.

SEC. 3.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act be, and are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 1, 1860.

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AN ACT entitled an act establishing two election precincts in Tobucksy County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the county of Tobucksy shall be divided into two precincts for election purposes, viz. : one precinct at Perryville, the

seat of justice, and the other at Tashka Himitta's school-house near the Canadian River.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts heretofore passed, in any wise coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved November 1, 1860.

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AN ACT entitled an act locating County and Circuit Court ground in Towson County, and election precinct.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that the County and Circuit Court ground of Towson County the same are hereby located at Hohtak court ground.

SEC. 2.—*Be it further enacted*, That there shall hereafter be three election precincts in Towson County, one precinct to be held at Doaksville, and the other precinct at Kalih Tuklo, and the other at Wheelock.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 31, 1860.

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AN ACT entitled an act to amend an act defining the duties and powers of the Commissioners, the jurisdiction of the Court of Claims, fixing their pay, and for other purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That section ten of the said act referred to be amended, so as to read, "to receive four dollars for every day they shall actually be engaged in the discharge of their duties as commissioners and clerks, payable quarterly out of any funds in the National Treasury not otherwise appro-

appropriated; a certificate under the hand and seal of the chief commissioner of the number of days, and the amount, shall be presented to the Auditor, who shall issue his warrant on the National Treasurer for the same;" and that the section tenth be, and is hereby repealed.

SEC. 2.—*Be it further enacted*, That this act be in force from and after its passage.

Approved, November 1, 1860.

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APPROPRIATIONS to Davis Frazier.

Your Committee to whom was referred the petition of Davis Frazier, a citizen of the Choctaw Nation, after having the same under due and diligent investigation, beg leave to state that they are of opinion that the amount claimed by him is just and reasonable, and that the Choctaw Nation in good faith should pay the same, they in duty bound would respectfully submit the following bill, and thenceforth beg leave to be discharged from further duty on this petition.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of five hundred and fifty-five dollars is hereby appropriated out of any money not otherwise appropriated, in favor and benefit of said Davis Frazier.

SEC. 2.—*Be it further enacted*, That said sum of money, when received, shall be in full indemnity for property destroyed, as set forth in his petition above mentioned, and that the National Auditor is hereby required to issue his warrant on the National Treasury for the same, and that this act take effect and be in force from and after its passage.

Approved November 1, 1860.



AN ACT entitled an act to prescribe the punishment for unnatural intercourse.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That every person who shall be convicted of the detestable and abominable crime against nature, committed with mankind, shall, upon conviction, suffer death by being hung by the neck until dead.

SEC. 2.—*Be it further enacted,* That any person convicted of having intercourse with any beast shall receive on his, her, or their bare backs thirty-nine lashes well laid on.

SEC. 3.—*Be it further enacted,* That the act punishing sodomy, approved October 17th, 1850, be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved October 31, 1860.

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AN ACT entitled an act appropriating a certain sum for Sunday Schools in Boktuklo County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation, assembled,* That the sum of one hundred and fifty dollars be and the same is hereby appropriated out of any moneys in the National Treasury not otherwise appropriated, for the support for one year of a Sunday school at Luk-sokla, at Isht-Any-in-Kot-Yakni, and at Sulphur Spring in Boktuklo County, said sum to be equally divided among the three schools.

SEC. 3.—*Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, November 2d, 1860.

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AN ACT entitled an act authorizing the Judge of the County Court to summon Jurors in certain cases.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the Judges of the County Courts of this Nation shall have the power to direct the clerks thereof to issue summons for jury of seven disinterested persons of the county to try such cases as properly belong to the jurisdiction of said Court, if they may deem necessary ; and such writs of summons shall be executed by the sheriff in their proper county ; and the party or parties losing such suits shall pay said jurymen one dollar each per day, for every day's attendance on court, and five cents per mile traveled, going to and returning therefrom, and the costs of summoning witnesses and other expenses, &c., shall be paid, as provided for by law, in the Circuit Court.

SEC. 2.—*Be it further enacted*, That all acts, or parts of acts, heretofore passed coming in anyway in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 2d, 1860.

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AN ACT entitled an act providing a punishment for the willful alteration or destruction of Wills.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That if any person shall willfully alter or destroy any will or codicil, without the consent of the party making the same, or shall willfully secrete the same for six months after the death of the testator shall be known to him, the person so offending, on conviction thereof, shall be fined or imprisoned in the county or district jail, or both, at the discretion of the court.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved October 30th, 1860.

AN ACT entitled an act for the relief of the heirs of Dixon  
W. Lewis, deceased.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the sum of two thousand dollars be and the same is hereby appropriated to the heirs of Dixon W. Lewis, deceased, for his pay as delegate to Washington city from the Nation, payable out of any money in the Treasury not otherwise appropriated, and the National Auditor is hereby directed to issue his warrant for said sum, and the National Treasurer is hereby directed to pay the same.

SEC. 2.—*Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, October 31st, 1860.

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ORPHAN FUND.

*Whereas,* new claimants to the unclaimed portion of the fund known as the "Orphan Fund" arising under the 19th article of the Treaty of Dancing Rabbit Creek, of 1830, having appeared with sufficient evidence to justify a re-opening of the investigation as to determine the proper claimants to that fund by the commissioners appointed under authority of this Nation for that purpose, to settle the rights of such new claimants, therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That his Excellency the Principal Chief be and he is hereby requested to inform the Commissioner of Indian Affairs that new claimants have appeared, who ask that their rights may be regarded by the Commissioners of the Orphan Fund, in order to establish the justice of their demand for a disbursement of the unclaimed portion of said fund remaining in the hands of the Government of the



United States, and thereafter to be placed upon an equal footing with all other claimants to the Orphan Fund hereafter accruing.

SEC. 2.—*Be it further enacted*, That when the consent of the Commissioner of Indian Affairs is obtained by the Principal Chief to the re-opening of said unclaimed "Orphan Fund," he shall notify the commissioners of said fund to meet at such suitable times and places as may be agreed upon by said commissioners, who shall examine and determine the rights of such new claimants in the manner formerly observed by said commissioners in examining and determining such claims, in order that prompt payment may be made to such new claimants, if any may be found.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 1st, 1860.

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### AN ACT in relation to change of venue.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, every person or persons having a suit in the Circuit Court; and believing that they cannot have justice within the county where the suit is pending, by the people being prejudiced to him or them, in that case the party defendant may petition to the judge of the court for a change of venue.

SEC. 2.—*Be it further enacted*, That the party or parties petitioning for a change, must state their reason, and must verify on signing the petition before a legal officer that the facts therein contained are true; then, in that case, the judge shall grant a change, but not to more than two counties; *provided* the above act has been complied with.

Approved, October 30th, 1860.



AN ACT entitled an act in relation to the sentences of Court in capital cases, and for other purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That when any defendant shall be sentenced to the punishment of death, the court shall make out, sign and deliver to the Sheriff of the County a warrant stating the conviction of such defendant, and the sentence of court, and appointing a day for the execution of such sentence, not less than two nor more than four weeks from the date of such sentence, unless the court shall suspend sentence and execution on account of some matter of law arising on the trial, or some other legal cause.

SEC. 2.—*Be it further enacted*, That any person in custody after conviction of a criminal offence, who may desire his case revised by the Supreme Court, upon writ of error, may prosecute such writ without being present in person before said court.

SEC. 3.—*Be it further enacted*, That if the defendant be not removed on writ of error, by order of court, he shall be detained according to the judgment of the Circuit Court in which he was convicted, until the Supreme Court shall have decided his call, and the judgment thereof shall have been certified to the Circuit Court, and the same fully executed.

Approved, October 31, 1860.

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AN ACT entitled an act fixing the Circuit, County Court, and election grounds in Eagle County, Apuckshanubbee District, Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Circuit and County Court ground of Eagle County, be and the same is hereby located at Eagletown.

SEC. 2.—*Be it further enacted*, That the place of holding election be and the same is hereby located at Robinson's Spring, and one precinct at James Hudson's place.

SEC. 3.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 31, 1860.

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AN ACT entitled an act locating election precinct in Gaines County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the election precinct in and for the county of Gaines shall be at Boiling Spring in said county, that being the former election grounds.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved November 1st, 1860.

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AN ACT entitled an act establishing election precinct in Wade County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, there shall be only one precinct in Wade County, to be located at the place where Circuit and County Court are located, and that all acts or parts of acts heretofore passed coming in any manner in conflict with the provision of this act be, and the same are hereby repealed.

Approved November 1st, 1860.

AN ACT entitled an act legalizing the seal of the Circuit and County Courts of Chuahla County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the seal prepared for the use of the Circuit and County Courts of Chuahla County, having for its device a cedar tree in the centre, with the words around the edges "Chuahla County, Choctaw Nation," be, and the same is hereby declared the legal seal of the Circuit and County Courts of that County, if the name of either of said courts in which it is at any time used shall be written across the impression made by such seal.

SEC. 2.—*Be it further enacted*, That all acts and parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 1st, 1860.

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AN ACT entitled an act locating Circuit and County Courts and election ground in Sans Bois County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Circuit Court, County Court, and the election ground for Sans Bois county, will be located at the same place where formerly held, until otherwise altered by law.

Approved October 31st, 1860.

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AN ACT entitled an act for the removal of some Indians, white men, and free negroes from this Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all the intruding tribes of Indians,

white persons, and free negroes, that are now residing within the limits of the Choctaw Nation, contrary to the laws of the same, shall be and are hereby required to leave this Nation within sixty days after the passage of this act, or as soon thereafter as practicable, and that the District Chiefs and the Principal Chief shall be and are hereby required to inform the United States Agent for the Choctaws and Chickasaws of all such intruders, and of the existence of this act, and have removed beyond the limits of this Nation all such intruding persons whomsoever.

SEC. 2.—*Be it further enacted*, That this act be in force from and after its passage, and that all acts or parts of acts heretofore coming in conflict with the provisions of this act, are hereby repealed.

Approved October 31, 1860.

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AN ACT entitled an act locating County and Circuit Court ground in Wade County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the County and Circuit Court ground of Wade County is hereby located at or near Thomas Frazier's old place, between George McDaniels and Jesse McKinney's place of said county, and shall be known and called by the name of McKinney's Court-ground.

SEC. 2.—*Be it further enacted*, That all acts and parts of acts coming in conflict with this act, are hereby repealed.

Approved, October 24th, 1860.

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AN ACT entitled an act directing the National Treasurer to use certain funds in paying members of the General Council and others.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*



*Nation assembled*, That the National Treasurer be and he is hereby authorized to use the remaining funds in his hands, known as the "Forty Youth Fund" to pay the members of the General Council, the clerks, doorkeepers and sergeant-at-arms in the employ thereof at the present session, and that he shall replace such sum as may be so used out of the funds coming into his hands to defray national expenses.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 2d, 1860.

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AN ACT entitled an act to legalize the laws in existence at and before the adoption of the present Constitution.

SEC. 1.—*Be it enacted, by the General Council of the Choctaw Nation assembled*, That all rights, prosecutions, claims and interest, as well of individuals as bodies corporate, and law now in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the General Council, shall remain in full force.

SEC. 2.—*Be it further enacted*, That any special appointments or contracts heretofore made and approved under existing laws or resolutions of the General Council shall be approved by the Principal Chief of this Nation, and the appointees commissioned, and contracts so made ratified by him.

SEC. 3.—*Be it further enacted*, That in order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be suspended, nor any laws relative to the duties thereof shall be changed or abrogated until the officers elected and appointed under the Constitution shall be duly qualified and enter upon their respective duties.

Approved, November 1st, 1860.

AN ACT entitled an act defining the crime of poisoning and affixing a punishment therefor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That every person who shall be convicted of having administered, or having caused, or procured to be administered, any poison to any human being with intent to kill such being, and which shall have been actually taken by such being, whereof death shall not ensue, shall be punished by imprisonment not less than three months in the County or District Jail and receive one hundred lashes well laid on the bare back.

SEC. 2.—*Be it further enacted,* That every person who shall mingle any poison with any food, drink, or medicine with intent to kill or injure any human being, or who shall willfully poison any spring, well, or reservoir of water shall, upon conviction, be punished by imprisonment in the County or District Jail not exceeding three months, and receive one hundred lashes well laid on their bare back, or by such imprisonment and a fine not exceeding two hundred dollars, or all, at the discretion of the court.

SEC. 3.—*Be it further enacted,* That every person who shall willfully and unlawfully administer any poison to any horse, mare, colt, mule, jack, jennet, cattle, dog, or sheep, or shall maliciously expose any poisonous substance, with intent that the same should be taken or swallowed by any horse, mare, colt, mule, jack, jennet, cattle or sheep, shall, upon conviction, be punished by imprisonment in the County Jail not exceeding one month, by a fine of not exceeding fifty dollars and receive thirty-nine lashes well laid on the bare back.

SEC. 4.—*Be it further enacted,* That all acts or parts of acts heretofore passed, in any manner coming in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect, and be in force from and after its passage.

Approved October 31st, 1860.

RESOLUTION giving a certain per diem to the National Officers, and all additional salary to the Members of the present General Council and Officers.

*Resolved by the Senate and House of Representatives of the General Council of the Choctaw Nation assembled, That the sum of two dollars for each day's actual attendance upon the General Council at the present session, be and the same is hereby allowed the Executive National officers, excepting those that are laboring under pay at the present session, in addition to the salary fixed by law for such officers, and the National Auditor is directed to issue his warrant upon the National Treasurer for the amount of such per diem, in the manner of paying regular salaries; Provided, that this resolution shall not be so construed as to allow said officers such pay at any future session of the Council.*

*Be it further resolved, That an additional sum of one dollar be allowed to each of the members of the present Council and its officers, for this time only, and that the National Auditor is directed to issue his warrant upon the National Treasury; and that this act take effect and be in force from and after its passage.*

Approved October 31st, 1860.

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AN ACT entitled an act to provide the necessities to the people of the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled, That the sheriffs, or their deputies of the several counties, preparatory to a distribution of corn, under act of the present Council, and report the same to the Commissaries, at as early a day as possible, taking the names of the heads of families, and the number of free persons therewith connected.*

SEC. 2.—*Be it further enacted, That there shall be elected,*



by the General Council, three discreet and responsible persons to act as Commissary, and to receive and receipt for the amount of corn that each of them receive.

SEC. 3.—*Be it further enacted*, That the said Commissary shall procure, or cause to be built, three several storehouses, to wit: one at Fort Coffee, one at the mouth of Kiamichi, the other at or near the residence of the Rev. E. Hotchkins, on Red River, and shall receive and store the same, and issue, at stated times, to each person, one half bushel corn per month, entitled to receive such ration for the term of ten months.

SEC. 4.—*Be it further enacted*, That the said Commissary shall be entitled to receive for his services as such Commissary, the sum of thirty dollars per month, while engaged in the discharge of his duty under this act, and that whatever necessary expenses the said Commissary may be at in housing and taking care of the corn, shall be reimbursed to him.

SEC. 5.—*Be it further enacted*, That each Commissary is hereby required to appoint some suitable man to act for him as clerk, whose duty it shall be to keep an account of the number of bushels of corn each family draws, etc. *And be it further enacted*, That the clerks shall receive for their services the sum of fifteen dollars per month, while engaged in their duty, to be paid out from the corn-bill appropriation.

Approved November 1st, 1860.

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### AN ACT making Bonds and Fines collectable.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, all bonds that may be forfeited, and fines and penalties imposed, shall be collected by the Courts, and officers having jurisdiction thereof.

Approved October 31st, 1860.



AN ACT entitled an act to receive the Report of the National Treasurer, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, that the report of Allen Wright, National Treasurer, for the year ending first of October, 1860, be and the same is hereby accepted on the part of the General Council.

SEC. 2.—*Be it further enacted*, That the bond executed by the said Allen Wright, be and the same is hereby declared null and void, and that this act take effect, and be in force from and after its passage.

Approved, October 25th, 1860.

#### CHANGE OF THE CONSTITUTION.

*Whereas*, A change in the Constitution of the Choctaw Nation has done away with the offices of Justices of the Peace, Constable, and sundry other county officers, and it is desirable that those who have heretofore served in that capacity, and have claims unsettled, should now have settlements of their accounts, and many, if not all of the counties are in debt beyond their power to pay ; therefore,

SECTION 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the County Judge, his Clerk, and the Sheriff of each county, be a committee with power to examine all claims which may be made against the several counties, and for such claims as may be according to law, and which may have arisen prior to the 5th of October, A. D. 1860. They shall have power to issue a certificate and the sum allowed.

SEC. 2.—*Be it further enacted*, That when such claim, so allowed and signed by the said Committee severally, and shall have been further certified to by the Circuit Judge and the Clerk of said Court in and for the district in which the respective counties may lay, the National Auditor for the Choctaw Nation shall be authorized to issue his warrant on the National Treasury of the Choctaw Nation for said claims, which shall be paid as other National claims.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 24th, 1860.

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### AN ACT concerning Divorce and Alimony.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all marriages which are prohibited by law, on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall, if solemnized within this Nation, be absolutely void, without any decree of divorce, or other legal proceedings.

SEC. 2.—*Be it further enacted*, That the Circuit Court in the county where the plaintiff resides, has jurisdiction of all cases of divorce and alimony, and of guardianship connected therewith.

SEC. 3.—*Be it further enacted*, That the petition for divorce, in addition to the facts on account of which the plaintiff claims the relief sought, must state that he or she has been, for the last six months, a resident of the county, and that the application is not made through fear or restraint, or out of any levity or collusion with the defendant, but in sincerity and truth for the purpose set forth in the petition; it must also be sworn to by the plaintiff.

SEC. 4.—*Be it further enacted*, That divorces from the bonds of matrimony may be decreed against the husband in the following cases: first, when the defendant at the time of his marriage was impotent; second, when he had a lawful wife then living; third, when he has committed adultery subsequent to the marriage; fourth, when he willfully deserts his wife and absents himself without a reasonable cause for the space of one year; sixth, when after marriage he becomes addicted to habitual drunkenness; seventh, when he is guilty

of such inhuman treatment as to endanger the life of his wife.

SEC. 5.—*Be it further enacted*, That the husband may in all cases obtain a divorce from the wife for like causes.

SEC. 6.—*Be it further enacted*, That if the defendant does not appear and answer the petition at the proper time, the Court, if satisfied that the complainant is the injured party, may decree a dissolution of the marriage contract; or when the defendant can be found, it may, in its discretion, bring him or her in by attachment and compel him or her to answer.

SEC. 7.—*Be it further enacted*, That when a divorce is decreed, the Court may make such order, in relation to the children and property of the parties and the maintenance of the wife, as shall be right and proper; subsequent changes may be made by the Court in these respects, where circumstances render them expedient.

SEC. 8.—*Be it further enacted*, That when a divorce is decreed, the parties shall have the right to divide such property equally that may have been jointly accumulated while living together.

SEC. 9.—*Be it further enacted*, That no decree of divorce shall affect the legitimacy of any child begotten within the bonds of lawful wedlock.

SEC. 10.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any wise in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved. October 30th, 1860.

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APPROPRIATION to Forbis Leflore.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation*, That the sum of three thousand dollars is hereby



awarded to Forbis Leflore for services rendered by him as a delegate to Washington City, out of any money not otherwise appropriated.

SEC. 2.—*Be it further enacted*, That said sum of money when received, shall be in full satisfaction of all claims and demands against the Choctaw Nation, on account of attending to arrearages of annuities under the Treaty of 1830, and that this act shall take effect and be in force from and after its passage.

Approved, November 2d, 1860.

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#### AN ACT authorizing parties litigant to take deposition, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, it shall be lawful for parties litigant in any of the Courts of this Nation to take the deposition of any and all parties absent from the limits of this Nation, or beyond the limits of the county in which the cause may be on trial, or in the following cases, to wit: if the witness be sick or of old age, so that it would be impossible for them to attend without danger to their health, and when the witness is absent or about to be absent from the Nation at the term of the Court to which the cause is triable; *provided*, that any person wishing to take deposition shall give the opposite party or their attorney ten days' notice of the time and place of taking such depositions, which depositions shall be taken before the County Judge of the county where the witness resides; the said Judge shall first administer an oath to the party giving depositions, etc., and the depositions so taken, shall be read in evidence in any court or courts of this Nation, and shall have the same force and effect as if the person was personally present.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts



heretofore passed, coming in any manner in conflict with the provisions of this act, be and are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 2d, 1860.

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AN ACT entitled an act locating election precincts in Red River County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall hereafter be three election precincts in Red River County; one election precinct shall be held at Willis Harkin's school-house, and another election precinct shall be held at or near James Brown's place, and another election precinct shall be held at the Koaiilli school-house.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 31st, 1860.

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AN ACT entitled an act to prevent the burning of prairies, woods, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That it shall not be lawful at any time for any person to set the prairies or woods on fire, except in the months of February and March alone.

SEC. 2.—*Be it further enacted*, That any person or persons violating the provisions of this act, shall on conviction before the County Judge, forfeit and pay the sum of twenty-five dollars, one half to the use of the county, and the other half to the person suing for the same.

SEC. 3.—*Be it further enacted*, That if any person should

be convicted of setting the woods or prairies on fire, and if the fire should destroy any stock, fences or other articles of any persons, the offender shall be liable for all damages and injuries done, and the Court shall award judgment for the same, to be collected as other fines and forfeitures are collected.

SEC. 4.—*Be it further enacted*, That if any person or persons having knowledge of any person violating this act, and concealing or withholding the same, or refusing to give evidence against such offending person in any court having jurisdiction thereof, shall upon conviction be fined by the court having jurisdiction any sum not exceeding fifty dollars, and not less than five dollars.

SEC. 5.—*Be it further enacted*, That the person suing such person or persons concealing or withholding the knowledge of the violation of this act, shall be entitled to receive as a compensation one half of the amount of the fine, and the other to go to the county in which the offence is committed for county purposes.

SEC. 6.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 1st, 1860.

## ACTS AND RESOLUTIONS

PASSED AT THE

## CALL SESSION

OF THE

GENERAL COUNCIL, JANUARY, 1861.

RESOLUTION providing for the election of delegates by joint ballot of both Houses of the General Council who are to meet Chickasaw Delegates in General Convention for the purpose of consulting for their common safety.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That twelve delegates be elected by this Council in the following order, viz.: five from Apuckshunubbee District, four from Pushamataha District, and three from Mosholatubbee District, who shall meet the Chickasaw delegates in convention at Boggy Depot, Choctaw Nation, on the eleventh day of March, 1861, to consult for the common safety of these two tribes in the event of the dissolution of the American Union.

SEC. 2.—*Be it further resolved*, That the said delegates shall be allowed the same per diem and mileage as the members of the General Council of this Nation are allowed under the existing laws.

SEC. 3.—*Be it further resolved*, That one clerk be elected out of this Nation, to accompany the said delegates, and be allowed the same pay as said delegates; in case the clerk gets sick, the delegates shall appoint one.

SEC. 4.—*Be it further resolved*, That upon certificate of the Principal Chief that such services have been performed, stating the amount allowed to such delegate and clerk to said convention, the National Auditor is hereby authorized to

issue his warrant for such amounts on the National Treasurer who is required to pay the same out of the school fund now in the National Treasury, and refund the same whenever any money for the expense of this government come into said Treasury; *provided*, said Treasurer is requested to go and pay the above Choctaw delegates at Boggy Depot, C. N., who shall be allowed the same pay as the said delegates.

SEC. 5.—*Be it further resolved*, That the said delegates shall report their action in said convention to the next General Council, or submit the same to the popular vote of the people at the ballot-box for their approval or disapproval.

SEC. 6.—*Be it further resolved*, That in the event of said delegates decide to submit their action in said Convention to the vote of the people, the Principal Chief is hereby requested to issue his proclamation commanding the proper officers to hold an election for the purpose of allowing the people to vote on the same.

SEC. 7.—*Be it further resolved*, That His Excellency the Principal Chief of this Nation is hereby politely, yet urgently, requested to attend the said Convention, who shall be allowed the same per diem and mileage as the members of the General Council are now allowed under existing laws; *provided, however*, his mileage shall be allowed from Doaksville to Boggy Depot alone.

SEC. 8.—*Be it further resolved*, That in case any of the said delegates fail to attend said Convention, the Principal Chief shall have the power to fill by appointment any and all such vacancies, and also to add additional delegates, if he deem necessary to the better representation of the Choctaw people.

SEC. 9.—*Be it further resolved*, That the Principal Chief of this Nation shall commission the said delegates and their clerk to the said Convention.

SEC. 10.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved, February 8th, 1861.



RESOLUTIONS requiring certain things preparatory to considering claims for work done on Armstrong Academy.

*Resolved by the General Council of the Choctaw Nation assembled,* That Robert W. Nail, Superintendent of Schools, and W. R. Baker, Superintendent of Armstrong Academy, comprising the building committee for the new building at that Academy, be required to make out a detailed statement, accounts framed by the proper vouchers, of the items of expenditures made for, and on account of this Nation of the sum of money formerly appropriated for the construction and completion of the new building at said Academy, which report shall be delivered to the Principal Chief, to be submitted to the next regular session of the General Council, to aid in finally settling all demands for work done on said Academy, and until that time, no further action will be taken by the General Council in the matter.

*Resolved further,* That this resolution take effect and be in force from and after its passage.

Approved, February 4th, 1861.

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AN ACT entitled an act directing Joseph Dukes to translate the laws of the present session into the Choctaw language, and fixing his pay.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That Joseph Dukes is hereby appointed and authorized to translate the acts and resolutions of the present session into the Choctaw language.

SEC. 2.—*Be it further enacted,* That he shall be allowed the sum of three dollars per day for each day's service actually employed in such translation, and, on the certificate of the Principal Chief, the National Auditor is directed to issue his warrant on the National Treasurer for the amount, who is authorized to pay the same.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, February 7th, 1861.

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AN ACT entitled an act authorizing the Principal Chief to have the present Constitution, and acts and resolutions passed at the regular session of October, 1860, and acts and resolutions of the present called session of February, 1861, printed in pamphlet form.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of this Nation is hereby authorized and requested to have the present Constitution and all acts and resolutions passed at the regular session of October, 1860, and of the present called session of February, 1861, of the General Council printed in pamphlet form, each containing both Choctaw and English languages, at an early day as practicable, one hundred and fifty copies.

SEC. 2.—*Be it further enacted*, That as soon as the Principal Chief or the National Secretary receive the above number of copies, he shall have them distributed among the officers of this Nation, as the law directs.

SEC. 3.—*Be it further enacted*, That this act, approved November 1st, is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, February 8th, 1861.

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AN ACT entitled an act making an appropriation for Peter Folsom, one of the National Delegates.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifteen hundred dollars be

and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated as a loan to Peter Folsom, one of the National Delegates, for the purpose of defraying his expenses to Washington City, to attend to his duties there as such National Delegate.

SEC. 2.—*Be it further enacted*, That the National Auditor is hereby directed to issue his warrant for said sum, and the National Treasurer is directed to pay the same.

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## ACTS AND RESOLUTIONS

PASSED AT THE

EXTRA SESSION, JUNE 1861.

A RESOLUTION enabling the Committee therein named to carry out their duty more perfectly.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That R. M. Jones, B. L. Leflore, H. N. Folsom, Coleman Cole and F. Battiest, the Committee of this Council, are hereby authorized to demand and obtain any and all vouchers, or receipts, or any other evidence bearing on the subject, or duty assigned them, so that they may be enabled to make such report to the next Council as they were to report to this Council.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved, June 14, 1861.

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A RESOLUTION directing the National Treasurer and National Auditor to make settlement with Gen. D. H. Cooper on account of the money placed in his hands for the purchase of corn for the Choctaws, &c.

SEC. 1.—*Be it resolved by the General Council of the Choctaw*

*Nation assembled*, That the National Treasurer and Auditor of the Choctaw Nation are hereby authorized and instructed to make a just and proper settlement with Gen. D. H. Cooper in relation to the appropriation made by the General Council in October, 1860, for the purchase of corn for the necessities of the Choctaw people.

SEC. 2.—*Be it further resolved*, That the balance remaining be turned over to the National Treasurer after a fair settlement for the purchase of corn, and shall make a full report thereof to the General Council in October next.

SEC. 3.—*Be it further resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved June 14, 1861.

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#### A RESOLUTION relating to the Public Schools.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Superintendents of Public Schools be and they are hereby required to make out an inventory of all property in their possessions, and sell all surplus provisions remaining in their hands.

SEC. 2.—*Be it further resolved*, That the Superintendents, after taking the inventory and the proceeds of sale, be required to turn over to the trustees; and all moneys arising under such sale shall go to pay the debts of their respective institution, if any, by the trustees, and report the same to the General Council.

SEC. 3.—*Be it further resolved*, That the trustees are hereby required to employ suitable persons to take charge of all property so taken at each of those public shools for safe keeping.

SEC. 4.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved, June 14, 1861.



A RESOLUTION creating a committee to inquire into the result of the mission of the delegation, composing of P. P. Pitchlynn, *et al.*, and to report the same to the General Council for final settlement.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Messrs. R. M. Jones, B. L. Leflore, Coleman Cole, H. N. Folsom, and F. Battiest, be authorized as a committee to ascertain minutely of the delegation, P. P. Pitchlynn, I. Folsom, P. Folsom, and Samuel Garland, in regard to their mission, to sue and prosecute the U. S. Government for final settlement of all claims in behalf of the Choctaw Nation, and also to ascertain what amount is due the Nation from the United States, and ask them for a settlement thereof.

SEC. 2.—*Be it further resolved*, That the said delegates be notified to attend upon the said committee to give all information desired, and answer questions propounded to them, in regard to their mission to Washington city, for a full satisfaction of the General Council of that matter.

SEC. 3.—*Be it further resolved*, That the said committee is hereby required to make a written report of the same as may suggest or recommend such action to be made as they may deem wise.

Approved, June, 1861.

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## ACTS AND RESOLUTIONS

PASSED AT

REGULAR SESSION, OCTOBER, 1861.

AN ACT entitled an act of removing and making a new election precinct in Jack's Fork County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the election precinct established at Daniel Anderson's is hereby changed and removed to Yotubbee, deceased, and shall be known and called Yotubbee's election precinct.

SEC. 2.—*Be it further enacted*, That in addition to the two precincts in said county, there shall be added one more election precinct, and placed on the road leading from John Caffrey's to Blackburn's at Willis Hampton's, and shall be known and called Willis Hampton's election precinct.

SEC. 3.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, October 29, 1861.

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#### AN ACT changing the Court Ground in Sans Bois County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the present County Court, Circuit Court, and election ground of Sans Bois County is hereby removed to or near Okchanak Chito on Sans Bois Creek, where the road leading from Skullyville to Perryville crosses the same in said county, and it shall be known and called Okchanak Chito Court Ground.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 25, 1861.

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#### AN ACT entitled an act removing the Court of Kiamichi County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That Nitakache court ground is hereby changed and removed to a spring one mile west of said

court ground, and it shall be known and called Big Spring Court Ground.

SEC. 2.—*Be it further enacted*, That the Circuit Court, Probate, County Court, and the election precinct shall be held at Big Spring.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 28th, 1861.

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AN ACT entitled an act to pay the Special Committee appointed to make settlement with the Choctaw Delegates and their Attorneys respecting their mission to the Government of the United States.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Special Committee under joint resolution of the Choctaw Council passed in June, 1861, to make settlements with the Choctaw delegates respecting their mission to the Government of the United States, be allowed *per diem* pay, and mileage as that of the members of the General Council.

SEC. 2.—*Be it further enacted*, That the National Auditor be and is hereby authorized to issue his warrants, upon certificate of the Principal Chief, on the National Treasurer, in favor of each member of the special committee, to be paid out of any money not otherwise appropriated.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 2, 1861.

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AN ACT entitled an act appropriating the Annual Contingent Fund provided for by law, for the use of the Principal Chief of this Nation. •

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the sum of four hundred dollars is hereby appropriated out of any funds not otherwise appropriated in the National Treasury, for the use of the Principal Chief of this Nation, as a contingent fund, provided for by law, and the National Treasurer is hereby required to pay the same upon the warrant of the National Auditor. This appropriation is for the fiscal year, commencing October 7, 1861, and ending the first Monday in October, 1862.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 4, 1861.

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A RESOLUTION giving additional pay of one dollar per day to each of the members of the present General Council and its officers.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That an additional sum of one dollar per day be allowed to each of the members of the present Council and its officers, and the National Auditor is hereby directed to issue his warrant upon the National Treasurer; *Provided*, that this resolution shall not be so construed as to allow said members of the Council, and its officers, such pay at any future session of the Council.

SEC. 2.—*Be it further resolved*, That this resolution take effect, and be in force from and after its passage.

Passed both Houses, by two-thirds vote, Nov. 4, 1861.

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AN ACT entitled an act to pay Johnson Pushamataha for services rendered the Nation, as Commissioner, to form a Treaty of Peace with the Indians in the Leased Country.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*



*Nation assembled*, That the sum of sixty-two dollars be allowed to Johnson Pushamataha, for services rendered as a Commissioner in behalf of the Choctaw Nation, to make a Treaty of Peace with certain tribes of Indians in the Leased Country.

SEC. 2.—*Be it further enacted*, That the National Auditor be and is hereby authorized to issue his warrant to said Johnson Pushamataha, on the National Treasury, to be paid out of any money not otherwise appropriated.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved November 4, 1861.

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A RESOLUTION requiring the Principal Chief to account for the Contingent Fund expended by him from October, 1860, to October, 1861.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Principal Chief of the Choctaw Nation is hereby requested to give a full report of the expenditures of the Contingent Fund used by him from October, 1860, to October, 1861, to the General Council at its present session, as required by "An act entitled an act to define certain duties of the Principal Chief of the Choctaw Nation," etc., in section eight.

SEC. 2.—*Be it further resolved*, That this resolution take effect, and be in force from and after its passage.

Approved November 5, 1861.

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AN ACT entitled an act locating County and Circuit Court ground in Sugar Loaf County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the County, Probate and Circuit Court ground of Sugar Loaf County is hereby located at the same place as established under the old laws, and shall hereafter be known as Hochubbe's Court Ground.

SEC. 2.—*Be it further enacted*, That the several election precincts in said County, located and established under the old laws at the following places, viz. : One at A. G. Morris's house, at Yellow Spring, and at Salem schoolhouse, on Bok Falaya, are hereby confirmed.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved, November, 1861.

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*Whereas*, the sum of one hundred and thirty-four thousand, five hundred and twelve dollars and eighty-five cents, was paid over to Gen. D. H. Cooper, late agent for the Choctaws and Chickasaws, by the Government of the United States, out of the funds arising from the net proceeds of the lands of the Choctaws, under the Treaty of 1855, for the purchase of corn, under an act of the General Council, passed at the October Session, 1860 ; and, *whereas*, it appears that only a portion of said funds was expended for the purchase of corn, and the balance remains unaccounted for by said Douglas H. Cooper ; Therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of this Nation be authorized, and is hereby required to take immediate steps for a full and fair settlement with said Douglas H. Cooper, in regard to said funds. That said D. H. Cooper be required to produce the proper vouchers for the purchase of corn that was distributed among the Choctaws, and that he be allowed a credit for that amount only.

SEC. 2.—*Be it further enacted*, That D. H. Cooper be required to pay over all money in his hands, of said funds,

after allowing him the credit above mentioned, and to turn over all drafts and certificates of deposit, that he may have as a part of said funds, and that the Principal Chief be authorized to receive the same and turn it over to the Treasurer.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved November 6, 1861.

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AN ACT entitled an act to pay G. Cauffield for services rendered as a Teacher.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two hundred and sixty-seven dollars and fifty cents be allowed to G. Cauffield, a Teacher, at Boggy Depot neighborhood school, for services rendered in the aforesaid capacity from 17th September, 1860, to May 12, 1861.

SEC. 2.—*Be it further enacted*, That the National Auditor be and is hereby authorized to issue warrant for the above sum, on the National Treasurer, to be paid out of any funds not otherwise appropriated.

SEC. 3.—*Be it further enacted*; That this act take effect, and be in force from and after its passage.

Approved, November 6, 1861.

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TO THE HONORABLE MEMBERS OF THE GENERAL COUNCIL OF  
THE CHOCTAW NATION :

Your committee, to whom was referred the matter in reference to the expenditures of Armstrong Academy, beg leave to report that such is the complication of the whole matter, that they are unable to agree on the subject, and would re-

commend that whole matter be referred to a committee of four, who shall examine into the whole matter, and report to the next General Council, and, in accordance with this recommendation, present the accompanying bill, and beg leave to be relieved from serving further.

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AN ACT assuming certain debts on account of the buildings of Armstrong Academy, and to appoint a committee to investigate the financial condition of said institution.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Nation hereby assumes the following debts for the building of said Academy: to Charles Sparrow, the sum of three thousand eight hundred and eighty-six dollars (\$3,886 00); to Bowers & Stephens, the sum of one thousand six hundred dollars (\$1,600 00); to John W. Berne, the sum of four hundred and seven dollars (\$407 00); to Jones & Thebo the sum of three hundred and seventy-four dollars and sixty-seven cents (\$374 67). And the Auditor be required to issue his warrant to said parties for said amounts, and that the Treasurer pay the same out of any moneys in his hands not otherwise appropriated, and should there not now be funds in the hands of the treasurer, not otherwise appropriated, then the treasurer shall pay said amounts out of the first funds that may come into his hands.

SEC. 2.—*Be it further enacted*, That a Special Committee of four be appointed by the Speaker of the House and President of the Senate, whose duty it shall be to investigate the financial condition of said institution, the amount of money received from the Nation by Wm. R. Baker and Robert Nail for building said Academy, how the same had been expended, and that said Baker and Nail be required to produce the necessary legal vouchers for all moneys expended by them in said building; and that said committee be further authorized



and empowered to take all necessary steps to secure the property belonging to said institution, and to dispose of all such property as may not be required for the use of the Nation, and apply the proceeds arising from such sale to any other debts that may be allowed by said committee against said Academy, and make a full report of their proceedings to the next session of the General Council.

SEC. 3.—*Be it further enacted*, That this act be in force from and after its passage, and all other acts come in conflict with this act be, and the same are hereby repealed.

Approved November 7, 1861.

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TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
GENERAL COUNCIL OF THE CHOCTAW NATION.

The undersigned joint committee of the Senate and House on finance, beg leave to report that they have had the report of the Treasurer and Auditor under consideration and find the same correct, with the exception of warrant No. 481, issued and paid to Josephus Dotson for one hundred dollars, the same having been issued without authority of law ; they, therefore, recommend that the Auditor be required to pay said sum of one hundred dollars into the hands of the Treasurer, and also that warrant No. 270, issued to said Josephus Dotson for two hundred dollars for public printing which remains unpaid, and as the services had never been performed, they recommend that said warrant be cancelled ; and your committee report the accompanying resolution and recommend its passage.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Auditor be required to pay over to the Treasurer the sum of one hundred dollars, the amount paid to Josephus Dotson on warrant No. 481, the same having been issued by the Auditor without authority of law.

SEC. 2.—*Be it further resolved*, That warrant No. 270, issued to Josephus Dotson for two hundred dollars for public printing be cancelled, as the services were not performed by said Josephus Dotson.

SEC. 3.—*Be it further resolved*, That said Josephus Dotson be allowed the sum of ten dollars for services rendered to the joint committee at the called session in January, 1861, and that the Auditor be allowed a credit on said sum of one hundred dollars required of him to be paid over to the Treasurer for this amount.

SEC. 4.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved, November 7, 1861.

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TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
GENERAL COUNCIL OF THE CHOCTAW NATION.

The undersigned joint committee of the Senate and House on finance, beg leave to report that they have had the report of the Principal Chief on contingent fund under consideration and find the same correct; and your committee would further state that the Principal Chief has spent thirty-four dollars and fifty cents more than the appropriation, and we would suggest the propriety of allowing said sum of thirty-four dollars and fifty cents to the Principal Chief; and your committee beg leave to be discharged from further duty in this respect. Therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the report of the Principal Chief of the current expenses of the contingent fund proper, is hereby accepted.

SEC. 2.—*Be it further resolved*, That the sum of thirty-four dollars and fifty cents is hereby allowed to the Principal Chief.

SEC. 3.—*Be it further resolved*, That that the National Auditor is hereby required to issue his warrant on the National Treasury, and the National Treasurer is hereby required to pay the same.

SEC. 4.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved November 7, 1861.

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AN ACT entitled an act proposing an amendment to the Constitution of the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That section 13th of article 5th, of the Constitution of the Choctaw Nation be, and is hereby amended so as to read as follows : The National Secretary, National Treasurer, National Auditor, and National Attorney, shall be elected by the qualified electors of this Nation, who shall hold their offices for the term of two years, and until their successors are elected and qualified, unless sooner removed ; and they shall perform such duties as may be prescribed by law.

SEC. 2.—*Be it further enacted*, That the 16th section, article 3d, of the Constitution of the Choctaw Nation, is hereby amended so as to read as follows :

The seat of government shall be permanently fixed at Armstrong Academy, and shall be called and known as Chahta Tamaha ; and the first and all future sessions of the General Council shall commence on the first Monday in October, 1863, each and every year, and shall be held at the Chahta Tamaha aforesaid.

SEC. 3.—*Be it further enacted*, That it shall be the duty of the National Secretary to submit the above proposed amendments to the qualified electors of the Nation at least four

months proceeding next general election, by giving public notice of the same throughout the Nation.

SEC. 4.—*Be it further enacted*, That at said election those voting for the above and foregoing amendments shall endorse on their tickets, “for the amendments,” those opposed, “against amendments.”

SEC. 5.—*Be it further enacted*, That the votes on said amendments and for the Principal Chief shall be recorded on the same poll-book, as provided by the laws in the election of Principal Chief, and forwarded as the Constitution requires.

SEC. 6.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 7, 1861.

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## ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION IN FEBRUARY, 1862.

*Whereas*, we have heard with sorrow of the death of A. J. Loman, the son of our highly esteemed friend and fellow-citizen, Eastman Loman : *And Whereas*, the expression of condolence and unfeigned regret of the Senate and House of Representatives of the Choctaw is offered to their bereavement. Therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That while we bow to the mysterious dispensations of Providence without murmuring, we at the same



time must permit our sympathies to follow him to his last place of rest.

SEC. 2.—*Be it further resolved*, That we deeply deplore their loss and participate with them in their bereavement.

SEC. 3.—*Be it further resolved*, That it is now incumbent upon us to express our feelings in consequence of the absence of the father of the deceased on a mission of importance to us as a Nation beyond the limits of this Nation.

SEC. 4.—*Be it further resolved*, That a copy of the above resolutions be furnished the bereaved family.

Approved, February 14, 1862.

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AN ACT entitled an act authorizing certain persons to investigate and make a settlement with D. H. Cooper for certain amount of money.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Henry N. Folsom, Treasurer, and Albert Pike be and they are hereby appointed with full power and authority to make immediate settlement with D. H. Cooper and others, in regard to the balance of moneys due the Choctaw Nation, arising under the act of 1860, appropriating certain amounts of money for the relief of indigent Choctaws, &c.

SEC. 2.—*Be it further resolved*, That the said Henry N. Folsom and Albert Pike is hereby clothed with full and ample power to take such measures as may be necessary and proper to secure to the Nation the payment of said money by the parties now withholding the same, and to execute all necessary and proper receipts and acquittances that may be necessary and right on the part of the Nation.

SEC. 3.—*Be it further resolved*, That the foregoing resolutions be in full force from and after its passage.

Approved, February 14, 1862.

*Resolved by the Senate and House of Representatives of the Choctaw Nation in General Council assembled, That they adjourn to-day at eight o'clock, P. M., this February 14, 1862.*

Approved, February 14, 1862.

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## ACTS AND RESOLUTIONS

PASSED BY THE

GENERAL COUNCIL AT REGULAR SESSION, 1862.

RESOLUTIONS appointing Committees from each House, and prescribing their duties.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled, That joint committee of three be appointed from each house of the General Council to report upon all claims submitted to the General Council, to be termed and styled, Committee on Claims and Petitions, Committee on Principal Chief's Message, Committee on Ways and Means.*

Approved, October 10, 1862.

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AN ACT entitled an act appropriating a certain sum of money to V. B. Timms.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled, That the sum of twenty-four dollars be and the same is hereby appropriated out of any money not otherwise appropriated, to pay V. B. Timms for the use of his house as a National Secretary's office from October, 1861, to October, 1862, and the National Auditor is hereby*

requested to issue his warrant for the same on the National Treasurer.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 15, 1862.

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AN ACT entitled an act authorizing the Executive to appoint certain persons for certain purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Executive appoint two suitable persons to make a full and complete settlement with the proper representatives of the American Methodist Missionary Board in all matters pertaining to the New Hope and Fort Coffee Academies, and the persons appointed shall have full power to receive and execute proper receipts, &c., on the part of the Nation, and report to the next General Council of said settlement.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 15, 1862.

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AN ACT entitled an act locating County and Circuit Court ground in Skullyville County, and Election precinct.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the County and Circuit Court ground of Skullyville County shall be and is hereby located at the town of Skullyville, in said county.

SEC. 2.—*Be it further enacted*, That the election precinct now held at Buck Creek shall be and the same is hereby removed to the town of Skullyville.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage, and that all other acts coming in conflict with the provisions of this act are hereby repealed.

Approved, October 16, 1862.

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*Whereas*, by the last election returns it is shown that the proposed amendments to the Constitution and laws were adopted by the citizens of the Choctaw Nation, on Wednesday, the 16th day of August, 1862, as required by the act, submitting the same to the consideration of the voters of the Nation ; therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the amendments so adopted are, from and after the passage of this act, considered and understood to be a part of the constitution and law of the land, and shall be incorporated in their proper place in the constitution and law of the Nation.

SEC. 2.—*Be it further enacted*, That the General Council of the Choctaw Nation meet this day at five o'clock P. M., Oct. 18, 1862, and incorporate the said amendment above referred in the present Constitution of the Choctaw Nation.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage, and that all other acts coming in any manner in conflict with the provisions of this act, are hereby repealed.

Approved, October 16, 1862.

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AN ACT entitled an act increasing the pay of the Journalist and Clerks of the General Council.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*



*Nation assembled*, That the future Journalist and Clerk shall receive for their services four dollars per day, and that the act approved October 26, 1860, allowing the journalist three dollars per day be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved October 18, 1862.

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RESOLUTIONS providing to elect a Printer of the Choctaw Laws.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the two Houses meet in the Representative Hall at five o'clock p. m., this day, October 18, 1862, to elect a printer of the Choctaw laws, &c., as prescribed for by an act of the General Council.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved October 18, 1862.

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AN ACT entitled an act giving powers to District Chief.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That each District Chief shall be within his district a general conservator of the peace, and for this purpose he shall have power to appoint a sufficient number of light-horse men in their respective districts, to wit: In Apukshunnubbee District, Towson, Red River, Boktuklo, Eagle, Nashoba, Wade, and Cedar Counties, one light-horse man each.

In Pushamataha District, Kiamichi, Atoka, Jack's Fork, and Blue Counties, one light-horseman each.

In Mosholatubbee District, Skullyville, Sugar Loaf, Sans Bois, Gaines and Tobucksy Counties, one light-horse man each.

And see that the laws are faithfully executed, especially, "an act entitled an act," to prevent the introduction and use of intoxicating liquors in the Choctaw Nation, executed by the proper officers having charge of them, and report to the Principal Chief for the information of the General Council any failure occurring therein; he shall recommend to him from time to time any matter for the general good; and when the Principal Chief shall deem it proper and expedient, and shall give them written notice of the time and place of meeting, they shall compose an Executive Council to furnish any desired information respecting their several districts.

SEC. 2.—*Be it further enacted*, That Section second of "an act entitled an act to define the duties of the District Chief of the Choctaw Nation," be and the same is hereby repealed, and this act take effect and be in force from and after its passage.

Approved, October 20, 1862.

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#### AN ACT entitled an act to elect a printer.

SEC. 1.—*Be it enacted, by the General Council of the Choctaw Nation assembled*, That the General Council in joint session shall elect one suitable person, citizen of the Nation, to compile and print all the Constitution, Laws and Resolutions, and all other documents proper to be printed for the benefit of the Choctaw people to be embodied in one book with complete index and marking the repealed laws so that the same can be fully understood, after which he shall employ some suitable and competent person to translate the same into the Choctaw language, of which five hundred copies shall be printed in each language.

SEC. 2.—*Be it further enacted*, That the sum of twelve hundred dollars shall be and is hereby appropriated out of any money in the National Treasury, not otherwise appropriated,

to pay the person so elect for the services thus rendered, provided, he shall not receive any part of the said sum until the work is completed.

SEC. 3.—*Be it further enacted*, That from and after the passage of this act, the person elect shall be authorized to call upon any of the National officers for the original bills and wanted for publication and execute his receipt for the same.

SEC. 4.—*Be it further enacted*, That as soon as the work is done, the same shall be sent to the capital of the Nation for the Principal Chief to distribute among the National and County officers and the members of the General Council, etc.

SEC. 5.—*Be it further enacted*, That the Principal Chief shall, on reception of the books issued, issue his certificate to the National Auditor, who will issue to person elect his warrant upon the National Treasurer for the sum above specified, which said warrant the National Treasurer is hereby authorized to pay.

SEC. 6.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 18, 1862.

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AN ACT entitled an act payment made to James Riley a certain sum of money.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifteen dollars be and the same is hereby appropriated out of any moneys in the National Treasury not otherwise appropriated, to pay James Riley for three days' copying the acts and resolutions of the General Council of the year 1862.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 21, 1862.



AN ACT entitled an act to pay certain persons for services rendered.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the sum of sixty-nine dollars is appropriated to pay Forbis Leflore ; thirty-six dollars to pay G. W. Harkins ; seventy-five dollars to J. P. Folsom, and seventy-two dollars to pay Fransua Battiest as committee in the matter of the settlement with the Armstrong Academy, and the National Auditor is hereby authorized to issue his warrant in favor of the parties above-named.

SEC. 2.—*Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, October 22, 1862.

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AN ACT entitled an act designating the time and manner of holding the election for certain officers therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the first election for National Secretary, National Treasurer, National Auditor, and National Attorney as required by the present amendment to the Constitution shall be general throughout the Nation and shall be held on the first Wednesday in August, 1863, and conducted in the same manner and at the same time and places as prescribed by the Constitution and election laws of this Nation, and election for the above offices shall be held every two years thereafter.

SEC. 2.—*Be it further enacted,* That the votes for National Secretary, National Treasurer, National Auditor, and National Attorney shall be placed upon separate poll-books, one of which shall be deposited in the County Clerk's office as other poll-books are required to be, and one of which poll-books shall be transmitted to the Supreme Judge, who shall transmit the same to the National Secretary to be by him



safely kept until the next session of the General Council, when the same shall be handed to the Speaker of the House of Representatives, who shall count the legal votes in the presence of both houses of the General Council, and there declare the candidate having the highest number of votes elected, who shall be commissioned and qualified as other national officers are required to be.

SEC. 3.—*Be it further enacted*, That the Principal Chief shall issue his proclamation calling upon the voters of the Nation to vote for the officers above named on the day and in the manner specified for the election of members to the House of Representatives.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage, and all other acts or parts of acts coming in any manner in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, October 20, 1862.

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*Whereas*, the General Council in October, 1861, assumed the debts due for the building of Armstrong Academy, intending thereby particularly to pay the amounts which were due to the mechanics for labor on said building.

*And, whereas*, it appears that in stating the account of Messrs Bowers & Stephens of Clarksville, Texas, there occurred an omission of fifty-five dollars, their account being sixteen hundred and fifty-five dollars (\$1,655), and the amount appropriated being only sixteen hundred dollars. Therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifty-five dollars be, and the same is hereby appropriated to liquidate in full the claim of said Bowers & Stephens, and that the National Auditor of the Choctaw Nation is hereby authorized to issue his warrant on the National Treasurer for that amount in favor of said Bowers & Stephens.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage

Approved, October 21, 1862.

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RESOLUTIONS authorizing George Folsom to appoint some person to clean the capitol.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Col. George Folsom is hereby authorized to appoint some suitable person to take care of the Capitol, and have the same neatly cleaned and taken care of until the next session of the General Council.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved October 22, 1862.

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AN ACT appropriating a payment for certain persons.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two thousand two hundred and eighty-two dollars and thirty-one cents (\$2,282 31-100) is hereby appropriated out of any money in the National Treasury not otherwise appropriated to pay the following persons the amounts that are opposite to each name, and the National Auditor is hereby authorized to issue his warrant upon the National Treasurer for the amount above specified, to wit :

Jonathan Nail, \$85 ; Tanapiahumma, \$390 ; J. C. Fuller, \$145 ; Nunly and Huffer, \$455 80 ; J. B. Russell, \$265 75 ; C. C. Alexander, \$91 65 ; W. W. Boyd, \$375 14 ; M. C. Campbell, \$161 62 ; Molsey Colbert, \$66 75 ; David Holmes,

\$18 ; T. J. Bond, \$29 ; Hoate, \$30 ; Israel Folsom, \$101 34 ; H. Frieze, \$50 ; William Roebuck, \$16 60.

Approved October 22, 1862.

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We, your Committee, to whom was referred the examination of the books of the National Treasurer, Henry Folsom, and J. M. Nail, Auditor, would beg leave to report to your honorable body that we find the condition of the books of such a character that it is entirely out of our power to examine the same in the time we now have ; so far as our examination has gone, it is not satisfactory to us in the least, and we recommend the passage of resolutions requiring the books of both Auditor's and Treasurer's filed in the National Secretary's office, with all the vouchers and accompanying papers, etc. ; and that the National Secretary be authorized to employ some suitable accountant to examine and fully compare the books above referred to, and also the books of John Page and W. B. Pitchlynn, former National Treasurer and Auditor, all of which is respectfully submitted, and we beg leave to be discharged from further labor in this behalf. Therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the National Secretary is hereby authorized and required to employ some good accountant to examine the National Treasurer, Henry Folsom's books, and the books of J. M. Nail, Auditor, and also the books of John Page and W. B. Pitchlynn, former Treasurer and Auditor for the Nation, and report the same to the next General Council with the amount expended in this behalf, etc.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 22, 1862.

AN ACT entitled an act to pay Wade Hampton for services rendered as Circuit Clerk.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of twenty dollars is hereby appropriated to pay Wade Hampton, Circuit Clerk of Sans Bois county, for services rendered in the year 1859, and the National Auditor is hereby authorized to issue his warrant upon the National Treasurer for the same.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 22, 1862.

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## ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION, FEBRUARY, 1863.

AN ACT requiring the Probate Judges of this Nation to enforce a certain important law so much neglected.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That each of the Probate Judges of this Nation is hereby directed to exact that part of the law approved at the session fourteen, requiring the guardian for orphan minors to give a fair and full statement annually of the condition of all and each kind of property placed in his hands, and the same be put on record as aforesaid, so that the property may not be wasted or squandered.

SEC. 2.—*Be it further enacted*, That the Principal Chief of this Nation is hereby requested to issue his proclamation to each of the Probate Judges in the several counties of this



Nation, commanding them to enforce the law above cited without delay, by enclosing a copy of this act in such proclamation.

SEC. 3.—*Be it further enacted*, That if any and all guardians who are now or may be hereafter guardians, refusing to obey or neglecting to comply with the law referred to, shall be promptly dealt with, to the full extent of the law, and be deprived of the guardianship.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved February 17, 1863.

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AN ACT entitled an act removing to and locating the county seat of Blue County at Chahta Tamaha.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the county seat of Blue County, Choctaw Nation, is hereby removed to and located at Chahta Tamaha of said county, and that the school-house in the same shall be used as court-house, in which the Circuit, County and Probate Courts of the county aforesaid shall be held.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts heretofore passed in any manner coming in conflict with the provisions of this act, are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, February 18, 1863.

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AN ACT entitled an act repealing certain laws.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the law passed Session 21, Section 25, conferring citizenship and all the rights, privileges, and immunities of the Choctaw citizen granted to J. P. Kingsbury

and wife Hannah Maria be and the same is hereby repealed, and this act take effect and be in force from and after its passage.

Approved February 19, 1863.

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AN ACT entitled an act annulling all permits heretofore granted to white men to live in this Nation and require of them the same annually.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all permits heretofore granted to white men to live in this Nation are hereby declared null and void.

SEC. 2.—*Be it further enacted*, That each and every white man living in this Nation under permits is hereby required to renew their permits in forty days after the passage of this act, and renew the same annually, and that white men living in the said Nation without permits are hereby required to get, within the above time, permits upon written recommendation from at least seven good and responsible householders in the neighborhood where the petitioner may wish to remain.

SEC. 3.—*Be it further enacted*, That the Principal Chief is fully authorized and empowered to give permits until the next regular Session of the General Council, after which time permits shall be granted by an act of the General Council of this Nation.

SEC. 4.—*Be it further enacted*, That the Principal Chief of this Nation is hereby required to command the sheriff, light-horse men in the several counties of this Nation to remove all white men who fail to get permits within forty days specified above from the limits of this Nation.

SEC. 5.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved February 19, 1863.

AN ACT entitled an act appropriating three hundred and sixteen dollars and sixty cents for payment of National officers hereafter specified.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of three hundred and sixteen dollars and sixty cents is hereby appropriated out of any money belonging to the Nation not otherwise appropriated, for back pay of members of the General Council, convened at Doaksville by the Principal Chief, on the 19th day of December, 1862, and that the National Auditor is hereby required to issue his warrant on the National Treasurer for the same.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, February 19, 1863.

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RESOLUTION giving an additional per diem to the Principal Chief and the members of the present General Council and officers.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That an additional sum of three dollars per day be allowed to the Principal Chief and each of the members of the present Council and its officers for this time only, and the National Auditor is hereby directed to issue his warrant upon the National Treasury for the same, provided that this resolution shall not be so construed as to allow the Executive and said members and officers such pay at any future Session of the Council, and that this resolution take effect and be in force from and after its passage.

Approved, February 19, 1863.

AN ACT entitled an act supplementary to an act requiring the issue of Treasury warrants of the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of the said Nation is hereby requested to issue only so much of the Treasury warrants of the said Nation as he shall deem ample and sufficient to meet the wants and convenience of the people and withhold the remainder thereof entirely or issue such remainder to the people, should it be made necessary by the failure of crops.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, February 20, 1863.

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AN ACT entitled an act appropriating money to have the Capitol washed and cleaned.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of thirty dollars is hereby appropriated out of any money belonging to the Nation not otherwise appropriated, for the purpose of having the Capitol washed thoroughly immediately after the adjournment of this Council, and that when washed it is hereby required the said Capitol to be closed up and locked, and the National Auditor is required to issue his warrant therefor.

SEC. 2.—*Be it further enacted*, That Impson Jones is hereby required to wash out the Capitol and strictly obey the above requirement, and that this act shall take effect and be in force from and after its passage.

Approved February 20, 1863.

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A RESOLUTION for the adjournment of the General Council of the Choctaw Nation.

SEC. 1.—*Be it resolved by the General Council of the Choctaw*



*Nation assembled*, That this Council adjourn at 5 o'clock P. M., on the 20th day of February, 1863, and that this resolution shall take effect and be in force from and after its passage.

Approved February 20, 1863.

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## ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION, OCTOBER, 1863.

AN ACT entitled an act removing the election precinct in Kiamichi County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the election precinct of Kiamichi County, known as the election ground of Oktak Falaya, be removed from said place to one mile north east to Oka Yanalli, and that all acts coming in any manner in conflict with this act be repealed, and that this act take effect and be in force from and after its passage.

Approved October 9, 1863.

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AN ACT entitled an act giving certain National officers the same per diem as members of the General Council.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the present National officers coming into office shall receive the five dollars per day, as the members composing the present Council to defray their expenses, and that the National Auditor is hereby authorized to issue his warrant on the National Treasurer for the same; *provided*, to commence from the day of their qualification in office.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage

Approved October 10, 1863.

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AN ACT entitled an act to clean the Capitol, employing some one to take charge of the same, and renting the outbuildings and farm.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the National Capitol be scrubbed and cleaned immediately after the present session of the General Council, and close the doors, and keep them locked, to prevent abuses by promiscuous assemblages or gatherings, and latches and hooks be procured for fastening the windows for the same.

SEC. 2.—*Be it further enacted*, That the President of the Senate is hereby empowered to employ some one to take charge of the Capitol for the term of one year, to be renewed yearly thereafter, with strict orders to keep out horses, oxen, wagons, hogs, etc., and also to prohibit camping within the enclosure, and whose duty will be also to see that the fences are kept in good repair.

SEC. 3.—*Be it further enacted*, That the outbuildings within the Capitol enclosure, and the farm attached, be rented to the highest bidder on the last day of the General Council of the present session, for the year 1864, to be renewed yearly thereafter until otherwise changed by law.

SEC. 4.—*Be it further enacted*, That the parties renting the same be required to enter into good and sufficient bond and security, that they will take good and proper care of the buildings and grounds adjoining, and that they will keep the farm in good repair.

SEC. 5.—*Be it further enacted*, That the sufficiency of the bond shall be determined by the President of the Senate, and

the proceeds of such rent shall be collected by the Sheriff of Blue County, and be turned over to the National Treasurer.

SEC. 6.—*Be it further enacted*, That to meet the expenses incurred in cleaning the Capitol and purchasing and putting on the latches, etc., the sum of one hundred dollars be and the same is hereby appropriated out of the National Treasury, which sum the National Auditor is ordered to issue his warrant on the Treasurer, upon the certificate of the National Secretary, when the work shall have been accomplished.

SEC. 7.—*Be it further enacted*, That the person employed to take charge of the Capitol shall receive the sum of fifty dollars upon the certificate of the National Secretary.

SEC. 8.—*Be it further enacted*, That all acts and parts of acts heretofore passed, in any manner coming in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 9.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 10, 1863.

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RESOLUTION providing an additional pay to the members of the Council.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That an additional sum of five dollars per day be and is hereby allowed to each member of the present General Council and its officers ; *provided*, that this resolution shall not be so construed as to allow said members and its officers such pay at any future session of the Council, and the National Auditor is hereby authorized and directed to issue his warrant upon the National Treasurer for the amount of such per diem, and that this resolution take effect and be in force from and after its passage.

Approved October 9, 1863.

AN ACT entitled an act appropriating moneys to certain persons therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two hundred and thirty-one dollars and eighty cents be appropriated out of any money in the Treasury, not otherwise appropriated, to pay members of the Senate and House of Representatives to the called session of the Choctaw Council, September 14, 1863, to wit:

Campbell Leflore, \$33 50; Zedoc Harrison, \$10 50; William Simpson, \$7 00; James Isaac, \$9 00; Pistambe, \$20 00; Coleman E. Nelson, \$9 80; Jackson M'Curtain, \$27 00; Wallace Leflore, \$20 00; John Anderson, \$13 00; Shoney, \$12 80; James Thompson, \$28 00; Elikanchetubbee, \$13 20; Willis Hoyabee, \$12 00; Leonidas D. Garland, \$15 00, and the National Auditor is hereby authorized to issue his warrant upon the National Treasurer for the same.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved October 9, 1863.

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AN ACT entitled an act legalizing the heirs of Curtis Grubbs and Elizabeth McLaughlin.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the children of Curtis Grubbs and Elizabeth McLaughlin are hereby rendered and made legal and legitimate children of the said parties in as full and efficient manner as if the same had been in legal wedlock.

SEC. 2.—*Be it further enacted*, That said children—Mary Jane, Benjamin Forbis and Robert Grubbs, the issue of Curtis Grubbs and Elizabeth McLaughlin—are hereby rendered capable in law to inherit, take and receive any property or



profit that they might or could have done were they born in legal wedlock.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved, October 8, 1863.

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RESOLUTION appropriating moneys to Hotema for services rendered.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the sum of eight dollars is hereby appropriated to Hotema and others for storing away the National Library, out of any funds not otherwise appropriated, and the National Auditor is hereby authorized to issue his warrant for the same, and that this act take effect, and be in force from and after its passage.

Approved October 10, 1863.

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RESOLUTION granting permission to Dr. L. A. Peters to remain in the Nation.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Dr. L. A. Peters be and is hereby permitted to remain in this Nation for the purpose of practicing medicine, until the next general council, if he, so long as he may remain, demean himself in a quiet and peaceable manner, and that this resolution take effect, and be in force from and after its passage.

Approved October 8, 1863.

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AN ACT entitled an act authorizing for a payment of some money to Campbell Leflore.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the sum of two hundred dollars be, and the same is hereby appropriated out of any funds in the National Treasury, not otherwise appropriated; to pay Campbell Leflore for collecting, safely keeping, and transmitting to the Capitol the national books and papers heretofore been in the vicinity of Skullyville, and the National Auditor is hereby authorized to issue his warrant upon the National Treasury for the same.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 10, 1863.

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#### ADJOURNMENT.

*Be it resolved, by the General Council of the Choctaw Nation assembled*, That the Council adjourn to-morrow, at twelve o'clock, M., October 10, 1863.

Approved October 9, 1863.

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#### AN ACT to recall certain Funds, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That so much of the twenty-five thousand dollars appropriated at the October Session, 1862, to relieve the suffering Choctaw citizens, and not expended, as required by law, be collected up and held in the hands of the Principal Chief until the next session of the General Council, subject to their legislation.

SEC. 2.—*Be it further enacted*, That the Principal Chief make a due and full report of the amount and manner in which said funds has been expended, &c.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 13, 1863.

AN ACT granting a permit to Newton Smith, a blacksmith by trade.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That Newton Smith, of Kiamichi County, having filed his petition with the Principal Chief, for a permit to remain in the Nation, at J. C. Caffrey's, to work at his trade, and the Chief having given him such permit to expire at the present Council ; therefore,

SEC. 2.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That a permit is hereby granted to Newton Smith, above named, to remain in this Nation to work at his trade for the space of twelve months, provided he properly demean himself during that time.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 13, 1863.

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AN ACT entitled an act locating the Circuit, County and Probate Courts, and Election precincts in Atoka County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Circuit, County and Probate Courts in Atoka County, shall be held at the spring, about three quarters of a mile northwest of Mrs. Flack's, and shall be known as Nanih Bouboka Court Ground.

SEC. 3.—*Be it further enacted*, That there shall be two election precincts in the said county—one at William Pisatabee's Spring, and the other at Haiyep Chito.

SEC. 3.—*Be it further enacted*, That all acts and parts of acts heretofore passed, in any manner coming in conflict with this provision are hereby repealed.

SEC. 4.—That this act take effect and be in force from and after its passage.

Approved October 13, 1863.

AN ACT entitled an act for the relief of Impson Jones.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation asssembled*, That the amount of one hundred bushels of corn, collected by Impson Jones, of persons renting the farms adjoining the Capitol buildings, shall be and is hereby allowed the said Impson Jones for his services rendered in the superintending the same, and provided he accounts to the Nation for all other amounts in his hands owing to and due the Nation.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 12, 1863.

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AN ACT to pay George Folsom for taking charge of the Capitol building.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That fifty bushels of the rent corn for the government now in the hands of the agent, Impson Jones, be paid to George Folsom for his services in taking care of and superintending the corn of the said farm and building.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 13, 1863.

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AN ACT describing the boundary of Sans Bois.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act the northern boundary of the County of Sans Bois shall extend from the Skullyville line up the Arkansas river to the



Canadian river ; thence up said river to Gain's Creek ; thence up said creek to the point of the Long Ride, and down said ride to the Sans Bois, and then along said line as at present.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 12, 1863.

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## ACTS AND RESOLUTIONS

PASSED AT

THE CALLED SESSION OF FEBRUARY, 1864.

RESOLUTION giving additional pay to the members of the General Council.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That an additional sum of five dollars per day be allowed to each of the members of the present council and its officers for this time alone, and that the National Auditor is directed to issue his warrant upon the National Treasurer, and he is hereby directed to pay the same, and that this resolution take effect and be in force from and after its passage.

Approved, February 10, 1864.

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RESOLUTIONS authorizing payment of money to members of the General Council.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the National Treasurer is hereby authorized to receive all certificates issued to the members and its officers of the present council, and pay them accordingly.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved, February 10, 1864.

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#### ADJOURNMENT.

*Be it resolved by the General Council of the Choctaw Nation assembled*, That the present session of the General Council adjourn on the 10th day of February, 1864, at 2 o'clock, P. M.

Approved, February 10, 1864.

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### ACTS AND RESOLUTIONS

#### PASSED AT THE

CALLED SESSION OF THE GENERAL COUNCIL IN JULY, 1864.

AN ACT entitled an act establishing an additional election precinct in Blue County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that in the county of Blue, in addition to the present election precincts, there shall be one established at Nanih Takali meeting-house in said county, and that this act take effect and be in force from and after its passage.

Approved July 9, 1864.

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RESOLUTIONS requiring of the National Secretary the manuscript acts and resolutions.

SEC. 1.—*Be it resolved by the General Council of the Choctaw*

*Nation assembled*, That the National Secretary be, and is hereby required to place before the Council the acts and resolutions of the General Council in manuscript.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved July 7, 1864.

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AN ACT entitled an act authorizing payment to certain persons therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifty-two dollars be, and is hereby appropriated out of any money in the Treasury to pay the following members of the Council at the called session of January, 1864, at which there was no quorum, to wit: James Isaac, fourteen dollars (\$14); James Sunny, fourteen dollars (\$14); Sylvester Durant, seven dollars (\$7); George Folsom, seven dollars and sixty cents (\$7 60); Daniel Miller, five dollars (\$5); and James Hampton, five dollars (\$5).

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved July 11, 1864.

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AN ACT to furnish the Capitol with chairs and tables.

SEC. 1.—*Be it enacted, by the General Council of the Choctaw Nation assembled*, That the sum of one thousand dollars be, and is hereby appropriated out of any money in the National Treasury not otherwise appropriated, to enable Israel Folsom to purchase sixty chairs for the use of the General Council and its members, and five small office tables for National officers, and two long tables, sixteen by three feet, one for the use of the Senate chamber and the other for the use of the House of Representatives.

SEC. 2.—*Be it further enacted*, That Israel Folsom be, and is hereby authorized to superintend the making and purchasing of chairs and tables, and the National Auditor is hereby required to draw his warrant upon the National Treasurer for the said sum of one thousand dollars in favor of the said Israel Folsom.

SEC. 3.—*Be it further enacted*, That Israel Folsom is hereby authorized to furnish the next Council with a full report of the prices of each article of the above-named articles.

Approved July 11, 1864.

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AN ACT entitled an act relative to certain person to leave the Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that a certain white man, William Evans, living in this Nation without permit, shall be ordered by the Principal Chief to leave the Nation and forever stay out of it.

Approved, July 11, 1864.

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AN ACT entitled an act prohibiting and fixing fines for disturbing public places of worship.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that any person or collection of persons so depraved as to assemble at any places of worship or church for the purpose of dancing and rioting at said places, upon the proper proof and conviction before the proper authorities, shall be fined in any such sum as the Court may determine not less than five dollars nor to exceed one hundred dollars; such fines to



be paid into the County Treasury where such offences have been committed.

SEC. 2.—*Be it further enacted*, That the sheriff or proper officer shall collect such fine in the proper manner.

SEC. 3.—*Be it further enacted*, That one-third of the fines thus imposed shall go to the informer, and that this act take effect and be in force from and after its passage.

Approved July 9, 1864.

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## ACTS AND RESOLUTIONS

PASSED AT

THE GENERAL COUNCIL IN OCTOBER, 1864.

AN ACT entitled an act for the National Secretary to furnish copies of laws.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that the National Secretary of this Nation be, and is hereby authorized to issue copies of all the acts and resolutions from October session of 1860 up to the last of the present General Council, to civil and national officers of this Nation; and that this act take effect and be in force from and after its passage.

Approved, October 11, 1864.

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A RESOLUTION requiring both Houses to elect certain officers, &c.

SEC. 1.—*Be it resolved by the General Council of the Choctaw*

*Nation assembled*, That both Houses assemble in the Senate Chamber to-day at three o'clock P. M., for the purpose of electing Supreme Judges and other officers.

SEC. 2.—*Be it further resolved*, That this resolution take effect, and be in force from and after its passage.

Approved October 11, 1864.

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Your Committee, to whom was referred the report of the National Auditor and Treasurer, have duly examined the the same, and would respectfully report to your honorable body that there is an excess of warrants to the amount of two thousand six hundred and twenty-eight dollars and thirty-nine cents (\$2,628.39-100) over the amount paid out by the Treasurer, which amount is yet out-standing against the Nation, issued prior to the fiscal year of August 1st, 1863, up to the last day of July, 1864, which amount of warrants, if received, would balance the report: therefore,

*Be it enacted by the General Council of the Choctaw Nation assembled*, That we do accept the report of Allen Wright, Treasurer, and William Roebuck, Auditor of the Choctaw Nation, from the fiscal year of August 1st, 1863, to the last day of July, 1864.

Approved October 11, 1864.

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#### ADJOURNMENT.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the present General Council adjourn on Thursday, three o'clock P. M., October 13th, 1864.

SEC. 2.—*Be it further resolved*, That this act take effect and be in force from and after its passage.

Approved, October 11, 1864.

AN ACT appropriating funds for the pay of officers of this Nation, and members of the present General Council

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Chiefs, Clerks, and other officers and members shall receive the sum of fifteen dollars per day for their services at the present General Council, *provided* this act shall not be so construed as to apply at any future session of the General Council.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 11, 1864.

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AN ACT entitled an act giving G. S. Lee a permit.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That a permit is hereby granted to G. S. Lee for the purpose of establishing a mill on Blue River, in partnership with T. J. Manning.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 12, 1864.

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AN ACT entitled an act for the relief James Riley.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one hundred and forty dollars be and is hereby appropriated out of any funds not otherwise appropriated, to pay James Riley for services rendered the Nation while acting as National Secretary.

SEC. 2.—*Be it further enacted*, That the National Auditor be and is hereby authorized to issue his warrant upon the

National Treasurer for the sum of one hundred and forty dollars.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved, October 13, 1864.

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*Whereas*, it appears from the act approved October 22d, 1862, that partial payment of claims held against Armstrong Academy were paid with a view to the balance, when there is money in the National Treasury; therefore, we, the undersigned, R. M. Jones, W. R. Baker, and R. Wright, who have claims against Armstrong Academy, allowed to us by your committee, do beg leave of your honorable body to appropriate to our benefit the amount due us on the following bills :

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of three thousand three hundred and twenty-five dollars and twenty-two cents, and the same is hereby appropriated for the relief of the creditors of Armstrong Academy—to wit : Two thousand one hundred and ninety-eight dollars and seventy-nine cents for R. M. Jones; eight hundred and seventy-eight dollars and eight cents for W. R. Baker; two hundred and forty-eight dollars and thirty-five cents for R. Wright; and that the National Auditor is hereby directed to issue his warrant for the same on the National Treasury, and that this shall be a full satisfaction for any and all demands against the said Armstrong Academy held by the said claimants.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 13 1864.



AN ACT entitled an act to enable the Principal Chief to employ some competent persons to compile the acts and resolutions of the Choctaw General Council, &c.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of this Nation shall be authorized and required to employ some competent person to furnish five separate copies of all the acts and resolutions passed by General Council, and not printed and translated. One copy to be placed in the hands of each District Chief, one copy to be filed in the National Secretary's office, and one copy to be kept by the Principal Chief, from which five translations are to be furnished; one to be filed in the District Chief's office, and one to be retained by the Principal Chief in his office for future reference, and one by the National Secretary.

SEC. 2.—*Be it further enacted*, That the Principal Chief shall after the copies are furnished, have, if practicable, the same printed in the English and Choctaw languages, and that he is hereby authorized to purchase suitable paper, ink, etc., to be used in the copies and translations.

SEC. 3.—*Be it further enacted*, That the National Secretary shall furnish the acts and resolutions in full to the person employed by the Principal Chief, which said person shall return the original as soon as copied to be filed by the Secretary for safe keeping.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 13, 1864.

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AN ACT entitled an act for the relief of Impson Jones.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one hundred dollars be appropriated out of any money in the National Treasury not

otherwise appropriated, to pay Impson Jones for taking care of the capitol building, under George Folsom, by authority of the General Council for the year 1863; and also the further sum of eighteen dollars for wood furnished the General Council at the present session of 1864; and that the National Auditor is hereby required to draw his warrant upon the National Treasury for the sum of one hundred and eighteen dollars in favor of the said Impson Jones.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved October 13, 1864.

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AN ACT entitled an act for the relief of Edmund Gardner.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of eighty dollars be paid to Edmund Gardner on account of papers furnished for the use of the public.

SEC. 2.—*Be it further enacted*, That the National Auditor is hereby directed to issue his warrant, and the National Treasurer is hereby authorized to pay the same.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 13, 1864.

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## ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION IN JANUARY, 1865.

AN ACT entitled an act granting permit to David Horn to remain in the Choctaw Nation for the purpose of working at his trade.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That David Horn is hereby permitted to remain in the county of Eagle for the purpose of carrying on his trade, provided the said David Horn shall demean himself in a quiet, peaceable, and orderly manner.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 19, 1865.

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AN ACT entitled an act making appropriation for the contingent expenses of the Choctaw government.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of four hundred dollars is hereby appropriated for the contingent expenses, to be expended in the manner and accounted for by the Principal Chief of this Nation, as is required by the act approved October 16, 1860, section eight.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 20, 1865.

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AN ACT entitled an act to pay David McCoy for stationery, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one hundred dollars be, and is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay David McCoy for stationery furnished the General Council, and the National Auditor is hereby authorized to issue his warrant upon the National Treasurer for the amount.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 20, 1865.

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RESOLUTIONS authorizing the Principal Chief to send for the Auditor.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Principal Chief be, and is hereby authorized and required to send for the National Auditor immediately and without delay.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved January 23, 1865.

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AN ACT entitled an act making appropriation to Samuel Garland.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the claim of seven hundred and twenty-five dollars (\$725), due Samuel Garland, is just and should be paid. That the National Auditor is hereby authorized and required to issue his warrant for the same out of any funds not otherwise appropriated.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 20, 1865.

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AN ACT entitled an act giving permits to Templeton.

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SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the within named Templeton be



allowed to remain in this Nation to work at his trade for twelve months or during good behaviour, and that this act take effect and be in force from and after its passage.

Approved January 20, 1865.

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AN ACT entitled an act giving permits to several persons therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That A. J. Vaughn, J. K. Minter and S. M. Ryan, overseers for R. M. Jones, be and they are hereby permitted to remain in the Nation for the term of twelve months and during good behaviour.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 20, 1865.

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AN ACT entitled an act to pay the officers and members of the present General Council.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifteen dollars per day additional pay be and is hereby allowed the officers and members of the present General Council.

SEC. 2.—*Be it further enacted*, That the National Auditor be and is hereby required to issue his warrant for the same.

SEC. 3.—*Be it further enacted*, That all acts or parts of acts coming in conflict with this act, are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, January 24, 1865.

AN ACT entitled an act requiring the National Secretary to furnish a copy of the laws passed the present Council to Principal Chief.

SEC. 1.—*Be it enacted, by the General Council of the Choctaw Nation assembled,* That all laws passed at the present Session of the General Council of a general nature, wherein the Principal Chief is to carry out the execution, that he be furnished by the National Secretary a copy forthwith in order that he may see what is required of him to do.

Approved January 25, 1865.

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AN ACT entitled an act appropriating money for certain purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That the sum of five hundred dollars be and is hereby appropriated out of the National Treasury not otherwise appropriated, to defray the expenses of making safe or book-case for the office of the National Secretary of this Nation to hold the Archives of the Choctaw Nation.

SEC. 2.—*Be it further enacted,* That the Principal Chief of this Nation be and is hereby authorized to superintend the making of such book-case and the National Auditor is hereby authorized to issue his warrant in his favor on the National Treasury for the same, on certificate of the National Secretary, that such work was furnished properly.

SEC. 3.—*Be it further enacted,* That the Principal Chief shall make a full report of the expenditure of five hundred dollars appropriated above, as by this act required to the General Council in regular term of October, 1865.

SEC. 4.—*Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, January 25, 1865.

## RESOLUTIONS for adjournment.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled,* That the present General Council now in Session adjourn on Wednesday, at 5 o'clock, January 25, 1865.

SEC. 2.—*Be it further resolved,* That this resolution take effect and be in force from and after its passage.

Approved, January 25, 1865.

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ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION

OF THE

CHOCTAW GENERAL COUNCIL, SEPTEMBER, 1865.

CHAHTA TAMAHA, September 6, 1865.

TO THE GENERAL COUNCIL OF THE CHOCTAW NATION :

The committee to whom was referred the message of the Principal Chief beg leave to submit to your honorable body the accompanying acts, as comprising all the action deemed necessary at the present session. The main points of the message are referred to the regular session of the General Council.

Your honorable body are earnestly advised to act immediately on the accompanying bill.

AN ACT entitled an act authorizing the appointing of Commissioners on the part of the Choctaw Nation, to meet, in conjunction with Commissioners of the Chickasaw Nation, the Commissioners on the part of the United States, for the purpose of making a Treaty of Peace with the United States.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled,* That seven delegates from each District of the Choctaw Nation shall be appointed, who shall immediately proceed, as Commissioners of the Choctaw Nation, to Fort Smith, Arkansas, there to meet the Commissioners on the part of the United States, for the purpose of negotiating a Treaty of Peace with that power.

SEC. 2.—*Be it further enacted,* That the Principal Chief of the Choctaw Nation be and is hereby requested to accompany the Commissioners to be appointed under this act to Fort Smith.

SEC. 3.—*Be it further enacted,* That a majority of the Commissioners shall constitute a quorum when assembled for the transaction of business, and shall have the power to make such rules and regulations for the governing of their body as they may deem necessary.

SEC. 4.—*Be it further enacted,* That the Commissioners shall be allowed the same pay per diem and mileage as members to the General Council.

SEC. 5.—*Be it further enacted,* That the Principal Chief shall recommend to the Senate some competent person to act as Secretary for the Commissioners, and an assistant Secretary, who shall also serve when necessary as private Secretary for the Principal Chief, whose compensation shall be the same as a Commissioner.

SEC. 6.—*Be it further enacted,* That should the Commissioners succeed in negotiating a Treaty of Peace with the United States, they shall immediately thereafter submit the



same to the General Council of the Choctaw Nation for ratification.

SEC. 7.—*Be it further enacted*, That should any vacancy occur in the delegation by death or otherwise, the Principal Chief shall have the power to fill the same by appointment.

SEC. 8.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved September 6, 1865.

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AN ACT entitled an act authorizing the appointment of an escort of fifty men, on the part of the Choctaw Nation, to accompany its Commissioners.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there shall be an escort, consisting of a Captain, two Lieutenants and four Sergeants, fifty-three men rank and file, mounted, armed and equipped, and officered as a military company, who shall accompany the Choctaw Commissioners to Fort Smith.

SEC. 2.—*Be it further enacted*, That the Principal Chief shall appoint and commission said Captain and Lieutenants, and they shall be subject to his orders.

SEC. 3.—*Be it further enacted*, That the Principal Chief is hereby authorized to procure rations, etc., for the said escort.

SEC. 4.—*Be it further enacted*, That the said Captain shall receive the same pay as a Commissioner, and the Lieutenants shall receive two dollars and fifty cents per day, and the escort two dollars each per day.

SEC. 5.—*Be it further enacted*, That the Principal Chief shall appoint a surgeon to accompany the Choctaw Commissioners and escort to Fort Smith, and the said surgeon shall receive the same pay as a Commissioner.

SEC. 6.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved September 6, 1865.

AN ACT entitled an act to establish and locate an additional precinct in Atoka County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That an additional election precinct be established at Boggy Depot in said county.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 7, 1865.

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ARTICLES of agreement entered into this 13th day of September, 1865, between the Commissioners designated by the President of the United States and the persons here present, representing or connected with the following named Nations and tribes of Indians, viz.: Cherokees, Creeks, Choctaws, Chickasaws, Osages, Seminoles, Senecas, Senecas and Shawnees and Quapaws.

*Whereas*, the aforesaid Nations and tribes, or bands of Indians or portions thereof, were induced by the machinations of the emissaries of the so-called Confederate States, to throw off allegiance to the Government of the United States, and to enter into treaty stipulations with the said so-called Confederate States, whereby they have made themselves liable to a forfeiture of all rights of every kind, character and description, which had been promised and guaranteed to them by the United States; and *whereas*, the Government of the United States has maintained its supremacy and authority within its limits; and *whereas*, it is the desire of the Government to act with magnanimity with all parties deserving its clemency, and to re-establish order and legitimate authority among the Indian tribes; and *whereas*, the undersigned representatives or parties connected with said Nations and tribes of Indians, have been satisfied that it is for the general good

of the people to reunite with, and be restored to the relations which formerly existed between them and the United States, and as indicative of our personal feelings in the premises, and of our several Nations and tribes, so far as we are authorized and empowered to speak for them; and *whereas*, questions have arisen as to the status of the Nations, tribes and bands, that have made treaties with the enemies of the United States, which are now being discussed, and our relations settled by treaty with the U. S. Commissioners now at Fort Smith, Ark., for that purpose.

The undersigned do hereby acknowledge themselves to be under the protection of the United States of America, and covenant and agree, that hereafter they will, in all things, recognize the government of the United States, as exercising exclusive jurisdiction over them, and will not enter into any allegiance or conventional arrangement, with any State, Nation, Power or Sovereign whatsoever; that any treaty of alliance for cession of land, or any act heretofore done by them, or any of their people, by which they renounce their allegiance to the United States is hereby revoked, cancelled, and repudiated. In consideration of the foregoing stipulations made by the members of the respective Nations and tribes of Indians present, the United States, through its commissioners, promises: That it will re-establish peace and friendship with all the Nations and tribes of Indians within the limits of the so-called Indian country; That it will afford ample protection for the security of the persons and property of the respective Nations or tribes, and declares its willingness to enter into treaties to arrange and settle all questions relating to and growing out of former treaties with said Nations, as effected by any treaty made by said Nations with the so-called Confederate States, at this Council now convened for that purpose, or at such time in the future as may be appointed.

In testimony whereof, the Commissioners, on the part of



the United States, and the said Indians of the several Nations and tribes, as respectively hereafter enumerated have hereunto subscribed their names, and affixed their seals on the day and year first above written.

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AN ACT entitled an act approving the action of the Choctaw Commissioners, in signing a Preliminary Treaty with the Commissioners of the United States.

*Whereas*, articles of agreement, as contained in the foregoing articles, were entered into between D. N. Cooley, Ely S. Parker, Elijah Sells and Thomas Wistar, on the part of the United States, and R. M. Jones, Sampson Folsom, F. Battiest, Wm. Roebuck, Forbis Leflore, A. Wright, P. Folsom, John Page, James Riley, Wm. B. Pitchlynn, Samuel Garland, A. Wade, D. F. Harkin and Coleman Cole, Choctaw Commissioners, at the day and year therein named, with the explanation, on the part of the United States Commissioners, that the United States government did not claim, by the words "exclusive jurisdiction in all things," the right to interfere with the local or tribal regulations of the Choctaw and Chickasaw Nations, except as to the subject of slavery;

Now, therefore, be it known, that the Choctaws, in General Council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, together with the explanations attached thereto by the United States Commissioners, do upon their part hereby assent to, ratify and confirm the same as stipulated and required.

Approved, October 7, 1865.

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RESOLUTIONS approving the action of the Commissioners appointed to negotiate with the U. S. Commissioners at Fort Smith, Arkansas.

*Be it resolved by the General Council of the Choctaw Nation*



*assembled*, That the report of the proceedings of the Choctaw and Chickasaw Commissioners, at Fort Smith, Arkansas, in reference to their negotiations with the United States Commissioners, having been fully examined, the same be and is hereby approved.

Approved October 13, 1865.

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DRAFT OF TREATY submitted by the United States Commissioners at Fort Smith (not signed).

ARTICLES of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at Fort Smith, Arkansas, the — day of September, A. D. 1865, by D. N. Cooley, Elijah Sells, Ely S. Parker and Thomas Wistar, Commissioners on the part of the United States, and the Delegates of the Choctaw and Chickasaw tribes of Indians, signing this instrument.

ART. 1.—Peace and friendship are hereby firmly established between all the citizens of the United States and all the individuals composing the aforesaid tribes; and all the friendly relations that existed between them before the rebellion, shall be and the same are hereby renewed.

ART. 2.—The Choctaw and Chickasaw tribes of Indians do hereby bind themselves to use their influence, and whenever called upon by the Government to aid in compelling the Indians of the Plains to maintain peaceful relations with each other, with the Indians of the Territory and with the United States.

ART. 3.—The Choctaw and Chickasaw tribes of Indians, hereby admit, that the institution of slavery is abolished, and that slavery or involuntary servitude shall never hereafter exist in either tribe, except in punishment of crime, whereof the party shall have been duly convicted, and they promise and agree that measures shall be immediately taken by their respective National Councils, to properly provide for such emancipated slaves as may have belonged to the members of

the respective tribes ; such provision to be subject to the approval of the President of the United States.

ART. 4.—The Choctaw and Chickasaw tribes of Indians, hereby agree to open their country to the settlement of friendly Indians from Kansas and elsewhere, upon such terms as may hereafter be agreed upon by the respective parties and approved by the Government, and the Government may settle such friendly Indians on a portion of said Territory east of the ninety-eighth degree west longitude, not necessary for the use of said Choctaw and Chickasaw tribes, as it may desire, not exceeding one-third of the whole remaining Territory, for a fair and equitable consideration, to be fixed by the Government.

ART. 5.—The Choctaw and Chickasaw tribes agree to a modification of the 9th Article of the Treaty concluded at the City of Washington the 22d day of June, A. D. 1855, by which they agree that all that portion of their common Territory west of the ninety-eighth degree west longitude, leased to the United States, may be used for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate thereon, without exception or restriction as to the character of the tribes.

ART. 6.—The Choctaw and Chickasaw tribes of Indians promise and agree to submit and recommend, at the first meeting of their respective General Councils, the adoption of the plan proposed in Senate Bill 459, 38th Congress, 2d Session, to provide for the consolidation of the Indian tribes, and to establish civil government in the Indian Territory ; it being understood to be the settled policy of the Government of the United States, that all the Nations and tribes in the Indian Territory be formed into one Consolidated Government, after the plan proposed in the bill above referred to, adopted by the United States Senate, 1865, the Government of the United States reserving said right.

ART. 7.—The United States, in the event of the adoption by the Choctaw, Chickasaw, and other Indian tribes of the Government, proposed to be established in the Indian Territory referred to in the preceding Article, promise and agree that no white person except officers, agents, and employees of the Government, and of any internal improvement authorized by the Government, will be permitted to go into and settle in said Territory, unless formally incorporated and naturalized into one of the resident tribes, according to their laws, customs and usages.

ART. 8.—The Choctaw and Chickasaw tribes of Indians, anxious for the restoration and preservation of kind and friendly feelings among themselves, do hereby declare a general amnesty of all past offences, either against their Government or the Government of the United States, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who may have remained friendly and loyal to the United States, but they shall all enjoy equal privileges with other members of said tribes.

ART. 9.—The United States hereby promise and agree to restore the Choctaw and Chickasaw tribes of Indians to all their rights and privileges in lands and annuities, that they were possessed of and entitled to, and they shall be applicable to the same objects as existed at the breaking out of the rebellion, except such part or parts of annuities and moneys as have been expended by the President in providing for the relief of destitute Indians, who were reduced to want on account of their friendship to the Government of the United States, which shall not be refunded.

ART. 10.—It is hereby mutually agreed, that all of the provisions of the Treaty of June 22d, 1855, between the United States and the Choctaw and Chickasaw Tribes of Indians not inconsistent with the foregoing articles are hereby adopted and made a part of this instrument.

ART. 11.—The Choctaw and Chickasaw tribes of Indians



expressly agree, that any amendment to this Treaty, which the Senate of the United States may make, shall be taken and held as a part of the same, and as binding in every respect as if it had, after being made, been formally submitted to and ratified by such parties.

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AN ACT entitled an act repealing certain laws, acts, and resolutions of the Choctaw General Council, passed between the 1st February, 1861, and 1st September, A. D. 1865.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That all laws, acts, and resolutions, or parts thereof, in any way abridging or impairing any rights and privileges previously existing; and all laws, acts, and resolutions, or parts thereof, in any way conflicting with the Constitution and laws of the United States, and which may have been passed at any session of the General Council of the Choctaw Nation, between the first day of February, A. D. 1861, and the first day of September, A. D. 1865, be and the same are hereby repealed.

SEC. 2.—*Be it further enacted*, That this law take effect and be in force from and after its passage.

Approved October 13, 1865.

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AN ACT entitled an act to provide for the punishment of the crime of robbery, &c.

SEC. 1.—*Be it enacted, by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, if any person or persons shall assault another, and shall feloniously rob, steal and take from his or her possession, any money or other property which may be the subject of larceny, such robber being armed with a dangerous weapon, with intent, if resisted, to kill or maim the person robbed, or if being so armed, he, she, or they shall wound or strike the person robbed, he, she, or they shall be punished by death.



SEC. 2.—*Be it further enacted*, That if any person or persons, being armed with a dangerous weapon, shall assault another with intent to rob or to murder, he, she, or they shall be deemed a felonious assaulter, and shall be punished with one hundred stripes, well laid on the bare back, to be decreed as in case of robbery.

SEC. 3.—*Be it further enacted*, That if any person or persons shall by force and violence, or by assault, or putting in fear, feloniously rob, steal and take from the person or premises of another, any money or other property which may be the subject of larceny, such robber, not being armed with a dangerous weapon, he, she, or they shall be punished with one hundred lashes well laid on his, her, or their bare backs, and further pay damages to the party from whom such arrest shall have been made, to be assessed by the petit jury of the Circuit Court, &c.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage, and that all other acts or parts of acts coming in any manner in conflict with the provisions of this act, are hereby repealed.

Approved, October 13, 1865.

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AN ACT entitled an act temporarily providing for such persons as have been to the present time considered as slaves.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That until the ratification of the treaty between the United States and the Choctaw Nation now in the process of negotiation, all such persons as have, to the present time, been considered as slaves, and remaining in the country be, and the same are hereby permitted to remain with their former owners, under such regulations as hereinafter provided, subject to the approval of the President of

the United States, as mentioned in the 3d article of the projected treaty, submitted by the United States Commissioners at Fort Smith, Arkansas.

SEC. 2.—*Be it further enacted*, That from and after the first day of January, A. D. 1866, next ensuing, all such persons of African descent, mentioned in the 1st section of this act, and who will remain with their former owner or owners, shall be allowed to contract with his or her former owner or owners on such terms and for such wages for his, her, or their labor, as they may mutually agree on, for the support and maintenance of such laborer and his or her family ; such agreement to be made before the County Judge of the county in which the parties may reside, and that by virtue of such contract or agreement, the said former owner or owners shall be considered, in point of law, as guardian or guardians for such persons.

SEC. 3.—*Be it further enacted*, That in all such contracts, where the laborer and the employer agree, the employer will be required to clothe, pay doctors' bills, and furnish buildings and fuel, and in addition thereto, such compensation in money or share of the crops as may be agreed on.

SEC. 4.—*Be it further enacted*, That in case the employee (laborer) desires his wages to be paid in money in lieu of all other allowances, then the contract shall be governed in all cases by the following schedule of prices, viz. :

For 1st class male hands,	-	\$10 00,	ten dollars per month.		
" 2d "	"	8 00,	eight	"	"
" 3d "	"	6 00,	six	"	"
" boys under 14 years of age,		3 00,	three	"	"
" 1st class female hands,		8 00,	eight	"	"
" 2d "	"	6 00,	six	"	"
" 3d "	"	5 00,	five	"	"
" girls under 14 years of age,		2 00,	two	"	"

SEC. 5.—*Be it further enacted*, That where the laborer does not choose to remain with his or her former owner or owners, he or she shall be required to choose such other person as he or she may desire to labor for, and enter into contract with such person in the same manner as provided in this act.

SEC. 6.—*Be it further enacted*, That all contracts between the laborer and his or her employer shall be made in writing, and certified to by the County Judge of the county in which the parties may reside, on the back of such contract, and recorded by the County Clerk of said county.

SEC. 7.—*Be it further enacted*, That one half of the money wages due must be paid on the following days, viz. : on the first day of August, and all the money wages earned during the year, to be paid on the first day of January. Those who are working for a share of the crop, must receive their portion when the crop is gathered ; wages for lost time will be deducted in case of sickness, or of absence without leave, and both wages and rations, where the party refuse to work when able to do so ; when the laborer has once entered into a contract, such laborer must abide by it until the crop is gathered ; if the laborer abandon his work before that time, such laborer shall forfeit his or her wages and be otherwise punished.

SEC. 8.—*Be it further enacted*, That the time of labor, in cases of such contracts, shall be ten hours, between daylight and dark in summer and nine hours in winter, except the afternoon of Saturday and Sunday of each week, which shall be at the sole disposal of the laborer, except some necessity should arise, where the laborers are required to save the crop, in which case, the service required must be rendered.

SEC. 9.—*Be it further enacted*, That all crops and property on any plantation or other place where such persons are employed, will be held to be covered by a lien against all other creditors, to the extent of the wages due the employees, and



such lien will follow such crops in any and all hands, until such labor is fully paid and satisfied.

SEC. 10.—*Be it further enacted*, That in all cases the persons named in the foregoing act, shall be allowed the same rights of process, civil and criminal, in the several courts of this Nation as are allowed to citizens thereof; and full protection of person and property is hereby guaranteed to all such persons.

SEC. 11.—*Be it further enacted*, That no person or persons, who have been considered as slaves, and may have voluntarily left this Nation, or hereafter may do so, shall in any case be allowed the privilege of returning for the purpose of residing in the Nation.

SEC. 12.—*Be it further enacted*, That in all contracts made between the employer and laborer, suitable provisions must be made in the terms of such contracts, so as to enable the employer to support, in a humane manner, any aged cripple and infirm persons who may be under his care, such persons having been regarded as slaves.

SEC. 13.—*Be it further enacted*, That any person, to the present time considered as slave, who shall be found strolling or lurking about from place to place, not pursuing any avocation within the meaning of this act, shall be arrested by the sheriff or his deputy or any light-horse man, coming to the knowledge of the same, who shall hire them out to the highest bidder, who may be willing to take charge of them and compel them to (work) labor

SEC. 14.—*Be it further enacted*, That the proceeds of such hire shall be placed in the hands of the National Treasurer, after deducting fees of arrest, etc., to be retained as a special fund for the support of any *freed* persons who may hereafter have to be provided for.

SEC. 15.—*Be it further enacted*, That this act take effect and be in force from and after the 1st day of January, A. D. 1866.

Approved, October 14, 1865.



AN ACT entitled an act locating election ground in Jack's Fork County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the election ground of Jack's Fork County, known as Afarbe Johnson's precinct, be, and the same is hereby removed and located at Morris Belinka's, in said county.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 17, 1865.

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AN ACT entitled an act creating interest on National and Treasury warrants.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the National Treasurer is hereby authorized and required to issue his certificate of deposit to all persons depositing with him National warrants; the certificate reciting the sum deposited, and also certifying that the same shall draw five per cent. interest until paid, and payable whenever the National Treasurer shall be placed in funds from any source, applicable to the payment of such original warrants deposited, etc.; *provided*, however, that all warrants which may have been issued to the members of the General Council of this Nation and its officers increased by additional pay shall be reduced by the National Treasurer to three dollars per day as the law requires; and *provided*, further, that all warrants issued to persons having served as delegates to the Grand Council or otherwise, shall in like manner be reduced to three dollars per day and mileage as is allowed the members of General Council, and the National Treasurer shall issue his certificate of deposit of such re-

duced amount, and also certifying the percentage it will draw.

SEC. 2.—*Be it further enacted*, That all of the Choctaw Treasury warrants as were issued per act approved October 21st, 1862, shall bear a like interest and be redeemed in like manner, by being endorsed on the back thereof by the National Treasurer thus: "Re-issued per act of October 17, 1865, with five per cent. interest from this date."

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved October 17, 1865.

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AN ACT entitled an act to remove and establish the site or place for holding Circuit, County, and Probate Courts in the County of Kiamichi.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the site or place for holding the Circuit Court, the County and Probate Courts for the County of Kiamichi, shall be at such convenient point as near the centre of the County as can be found, and which shall be ascertained by five commissioners, to be appointed by the County Judge of said County of Kiamichi.

SEC. 2.—*Be it further enacted*, That when the five commissioners appointed under this act shall have agreed upon a place for holding courts as mentioned in the first section of this act, they shall report the same to the said County Judge, who shall approve of the site so selected by the said commissioners, and proclaim such selection to the officers and citizens of said county, which proclamation shall be deemed by this act, as if the same had been selected and established by this Council, and upon the issuing of said proclamation by said County Judge, the law establishing the court ground at "Kulli Chito" shall be considered as re-

pealed, reserving the place of holding elections at Kulli Chito.

SEC. 3.—*Be it further enacted*, That when the court ground is selected under this act, and approved by the County Judge, the five commissioners shall agree upon some name by which it shall be known to the public.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 17, 1865.

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AN ACT entitled an act to authorize the appointment of five Commissioners with authority to proceed to Washington City, to complete negotiations with the Government of the United States recently commenced at Fort Smith, Ark.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That a commission consisting of five persons, one from each district and two from the Nation at large, be recommended to the General Council by the Principal Chief, which recommendation shall be subject to the ratification by joint vote of both Houses of General Council.

SEC. 2.—*Be it further enacted*, That such commissioners, when so appointed, shall proceed to Washington City at such time as may be agreed on by them with the commissioners on the part of the Chickasaw Nation, for the purpose of completing negotiations with the Government of the United States, commenced at Fort Smith, Arkansas, on the 15th September, A. D. 1865.

SEC. 3.—*Be it further enacted*, That the commissioners so appointed be and the same are hereby empowered to elect some person suitably qualified, who shall act as secretary for the commissioners, whose compensation shall be the same as that of a commissioner.



SEC. 4.—*Be it further enacted*, That the commissioners appointed under this act shall be entitled to compensation at the rate of three dollars each per day, and mileage, during the time for which service is rendered, in addition to the paying of their expenses.

SEC. 5.—*Be it further enacted*, That should any agreement or stipulations be entered into between the commissioners appointed under this act and the Government of the United States, such agreement or stipulations shall be ratified by the General Council of the Choctaw Nation, before any part thereof shall be in force or binding.

SEC. 6.—*Be it further enacted*, That the commissioners appointed under this act, shall be governed by such instructions as may be ordered by joint Council in executive session.

SEC. 7.—*Be it further enacted*, That this act take effect and be in force and have effect from and after its passage.

The above act having been vetoed, passed by unanimous vote of both Houses, the 17th October, A. D. 1865.

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AN ACT entitled an act granting that part of Blue County in the forks of Boggy to be attached to Atoka County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That that part of Blue County known as being in the Forks of Boggy, be and the same is hereby attached to and form a part of Atoka County, and that from and after the passage of this act, Clear Boggy shall constitute the northeastern boundary of Blue County.

SEC. 2.—*Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same is hereby repealed.

Approved, October 17, 1865.



AN ACT entitled an act for the relief of the members and officers of the present General Council.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the National Treasurer of this Nation is hereby authorized and required to call upon the several County Treasurers of this Nation for the surplus Choctaw Treasury warrants remaining in their hands, the same not being disposed of by law, and the National Treasurer shall, upon receiving the said warrants, issue to the said County Treasurers his receipt for the amount thus received, which receipt shall be a sufficient voucher for the County Treasurers in their settlement with the National authorities.

SEC. 2.—*Be it further enacted*, That the Treasurer shall, out of the warrants thus received, retain in hand a sufficiency to pay the members and officers of the present Council for their services at this term, etc.; the residue of the warrants thus received, to be used by the National Treasurer, in the liquidation of the general indebtedness of the Nation.

SEC. 3.—*Be it further enacted*, That the National Treasurer be and is hereby required to call for the several County Treasurers' receipts, to be delivered to him, the same being in the hands of the Principal Chief.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage, and that all acts and parts of acts coming in any manner in conflict with the provisions of this act are hereby repealed.

Approved, October 17, 1865.

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AN ACT entitled an act for the relief of J. M. Nail and Dr. T. J. Bond for services rendered therein mentioned.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two hundred and one dol-

lars and fifty cents be allowed to J. M. Nail for his services and use of two four-mule teams for thirty-one days at six dollars and fifty cents per day ; and that the sum of two hundred dollars be allowed to Dr. T. J. Bond for services rendered, in procuring funds for the Nation, and attending to the purchasing of cotton cards at Houston, Texas, etc., number of days on duty being sixty days at two dollars and fifty cents per day ; the National Auditor be and he is hereby instructed to issue his warrant on the National Treasurer in favor of J. M. Nail and T. J. Bond for the amount herein allowed to each of them.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 18, 1865.

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AN ACT entitled an act supplementary to the bill for the relief of J. M. Nail and T. J. Bond.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the further sum of two hundred and twenty dollars be and the same is hereby allowed to J. M. Nail, to remunerate him for the services of a wagon and team—he having had two four-mule wagons and teams in service for forty-three days, and that the National Auditor is hereby required to issue his warrant on the National Treasurer for the same.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 18, 1865.

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AN ACT entitled an act locating the election precinct of Tamahushi to Boggy Depot.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That from and after the passage of this act, that the election precinct formerly held at Tamahushi is hereby removed to Boggy Depot to be called Boggy Depot precinct of Blue County.

SEC. 2.—*Be it further enacted*, That this act repeals the former precinct, and that this act be in force from and after its passage.

Approved October 18, 1865.

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AN ACT entitled an act appropriating money for the contingent expenses of the Choctaw Government.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of four hundred dollars be and the same is hereby appropriated for the contingent expenses of the Choctaw Government for the year 1866, to be accounted for in the manner directed by the act approved October 16, 1860, Section 8, and that the National Auditor is hereby directed to issue his warrant on the National Treasury for the amount appropriated above.

SEC. 2.—*Be it further enacted*, That this act shall take effect, and be in force from and after its passage.

Approved, October 18, 1865.

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AN ACT supplementary to an act entitled an act to authorize the appointment of five Commissioners with authority to proceed to Washington City, to complete negotiations with the Government of the United States, recently commenced at Fort Smith, Ark.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That in pursuance of an act passed October 17, 1865, by two-thirds votes of both houses of the General

Council, the Commissioners to be elected, when so elected, shall be commissioned by the Principal Chief of the Choctaw Nation, and that any three of said Commissioners shall constitute a quorum to do business, and that in case of death or resignation of any of the Commissioners aforesaid, the Principal Chief shall fill such vacancies by appointment.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, October 18, 1865.

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AN ACT entitled an act locating additional precinct in Atoka County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That an election precinct be located at Martin Chuckmubbi's Spring, to be called Martin Chuckmubbi's election precinct for Atoka County.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 19, 1865.

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AN ACT entitled an act for the relief of James Thompson, Jerry Wade, Sampson Loring and James Riley, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the National Auditor be and he is hereby instructed to ascertain the time when George Hudson, former Principal Chief of this Nation, did remove from office the following named officers, to wit: Hon. James Thompson, then as now, Supreme Judge, Hon. Jerry Wade, then Supreme Judge, Hon. James Riley, then Circuit Judge, and Maj. Sampson Loring, then District Attorney for Push Dis-



trict, and compute each case from the time of their removal up to the time when their respective term of service would have expired, and allow each of them, the salaries due under the law, and issue his warrant on the Treasurer for the same; and the sum equal to the payment of such warrants, be and the same are hereby appropriated, and this act to take effect and be in force from and after its passage.

Approved October 18, 1865.

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AN ACT entitled an act appropriating a certain sum of money for the pay of James Thompson, for purchasing cotton and distributing the same to refugees of Moshulatubbee District, C. N.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one thousand two hundred and fifty dollars be, and is hereby appropriated to pay James Thompson for services rendered in purchasing cotton and distributing the same to the refugee citizens of Moshulatubbee District, C. N., the said sum to be taken and received as full compensation for his time consumed and all other expenses, he may have incurred while issuing the said cotton; *provided*, that this act shall not be so construed as to include the expenses of hauling said cotton.

SEC. 2.—*Be it further enacted*, That the National Auditor be and is hereby directed to issue his warrant for the above amount on the National Treasurer, in favor of the said James Thompson.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

SEC. 4.—*Be it further enacted*, That said James Thompson be and he is hereby released from the obligation of his bond as purchasing agent for refugees of Moshulatubbee District.

Approved October 19, 1865.

## AN ACT entitled an act for the relief of R. M. Jones.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of twelve hundred dollars be and the same is hereby appropriated out of any money in the National Treasury, not otherwise appropriated, to pay R. M. Jones for about twenty-four hundred bushels of his corn, taken from his Shawneetown farm, in June last, 1865, under the direction of Charles J. Stewart, and divided among the destitute citizens of this Nation, principally of Red River county, supposing the corn taken, to belong to the Confederate States Government, and the National Auditor is hereby required to issue his warrant upon the National Treasurer for the amount.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved October 19, 1865.

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## AN ACT entitled an act relieving the National Auditor and National Treasurer.

*Whereas*, the reports of the National Auditor and Treasurer for the fiscal year ending the 31st day of July, A. D. 1865, having examined, by a committee appointed to audit the same, have been found correct; and *whereas*, by the failure of the "Confederacy," the funds reported as being on hand by the National Treasurer, have become worthless; Therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That William Robuck, National Auditor, and Allen Wright, National Treasurer, be and the same are hereby relieved from the bonds into which they may have entered for the term of service, beginning 1st October, 1863, and ending 1st October, A. D. 1865.

SEC. 2.—*Be it further enacted*, That Allen Wright, National Treasurer, be hereby relieved from any further responsibility, as regards the Confederate money reported as being in his hands.

SEC. 3.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved, October 19, 1865.

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AN ACT entitled an act for the relief of J. P. Kingsbury, for account of Treasury warrants consumed by fire.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of six hundred dollars is hereby appropriated out of any funds, not otherwise appropriated, to reimburse J. P. Kingsbury, for certain "Relief Treasury Warrants," which had passed into his possession and were consumed by fire, on the 31st day of March, A. D. one thousand eight hundred and sixty-four, and that the National Auditor is hereby authorized and required to issue his warrant on the National Treasurer for the same.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 19, 1865.

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AN ACT entitled an act to pay Josephus Taylor.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one hundred dollars is hereby appropriated out of any money in the hands of the Treasurer, not otherwise appropriated, to pay Josephus Taylor for services in hauling cotton, etc.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved, October 19, 1865.

AN ACT entitled an act authorizing the appointment of three persons to devise and mature some plan for improving and establishing the system of education in this Nation on permanent basis.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of this Nation be and is hereby authorized and required to appoint three competent persons, one from each district, whose duty shall be to ascertain the number of schools in operation, the condition and prospects thereof, and also to devise and mature a plan of perfecting and establishing the system of education in this Nation on a permanent and enlarged basis, and report the same to the General Council, in October next, for its action.

SEC. 2.—*Be it further enacted*, That said three persons so appointed, shall have the right to designate the time and places of their meeting; *provided*, that their first meeting shall be held at Spencer Academy, on the first day of January, A. D. 1866, and that any two of whom shall constitute a quorum to do business.

SEC. 3.—*Be it further enacted*, That the National Secretary is hereby directed to furnish a certified copy of this act to such persons when appointed.

SEC. 4.—*Be it further enacted*, That this act shall take effect, and be in force from and after its passage.

Approved October 19, 1865.

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AN ACT entitled an act providing for the mode of dealing with Refugees committing depredations in the Choctaw Nation.

*Whereas*, many and serious complaints are being made to the General Council of the Choctaw Nation, from all sections of our country, setting forth the wanton destruction of stock



and other property, by the refugee Cherokees and Creeks now in our country ; Therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of the Choctaw Nation be and is hereby authorized and instructed to address the Chiefs or head men of those tribes, now settled as refugees in our Nation, urging upon them that immediate and strenuous measures be taken by them to put a stop to any further depredations, by members of those tribes, on the property of our citizens, otherwise our citizens will assuredly seek redress by such lawful mode as may be in their power, and thus the good feelings which have so long existed between those tribes and our citizens, be thereby greatly disturbed.

SEC. 2.—*Be it further enacted*, That if any of the refugees mentioned in the preceding article, shall be found guilty of stealing or robbing, or in the act of taking or driving away cattle, horses, hogs, or any kind of property, without the owner's consent, after the notification shall have been given by the Principal Chief, he, she, or they so offending, shall be arrested and taken before the proper authorities, to be dealt with in such manner as the law directs.

SEC. 3.—*Be it further enacted*, That this law take effect, and be in force from and after its passage.

Approved October 19, 1865.

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RESOLVED by the Senate and House of Representatives, that both Houses meet to-day at four o'clock, P. M., in the Senate Chamber to elect a Delegation.

Approved, October 19, 1865.

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RESOLVED, That the Senate and House of Representatives adjourn to-night, at twelve o'clock.

Approved, October 19, 1865.

*Whereas*, it appears that Israel Folsom furnished beeves for the Indians of the Plains, in June, A. D. 1865, said beeves being the property of Giles Thompson and Mrs. Harriet Hoyt; Therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one hundred dollars be, and the same is hereby appropriated, to pay said Giles Thompson for six beeves so furnished, and the sum of seventeen dollars be, and the same is hereby appropriated to pay Mrs. Harriet Hoyt, a beef also furnished for the same purpose; and that the National Auditor be and is hereby required to issue his warrant on the National Treasurer for the same, in favor of the said Giles Thompson and Harriet Hoyt.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved October 19 1865.

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AN ACT entitled an act changing the word "considered" in act entitled an act temporarily providing for slaves, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That where the word "considered" is found in the act above specified be stricken out, and "held" inserted in its place.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 19, 1865.

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AN ACT entitled an act authorizing the cancellation of Choctaw Treasury warrants remaining undistributed, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That the Treasurer of this Nation be, and is hereby authorized and required to demand for and receive of Samuel Garland, or any other person in possession of the same, so much of Choctaw Treasury warrants as were issued per act October 21st, 1862, remaining undistributed, and cancel the same at once.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved October 19, 1865.

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## ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION OF THE CHOCTAW GENERAL COUNCIL,

OCTOBER, 1866.

A RESOLUTION adjourning the General Council, in order to give time to the delegation to return home, and to report their actions at Washington to the General Council.

*Be it resolved by the General Council of the Choctaw Nation assembled*, That the present General Council of the Choctaw Nation adjourn this evening at 4 o'clock, the 11th of October, A. D. 1866.

*Be it further resolved*, That we request the Principal Chief to convene the Council on the third Monday of November next, A. D. 1866, or at any reasonable time as he may deem proper.

*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved October 11, 1866.

AN ACT appropriating money to defray the expenses of scrubbing and cleaning the Capitol building.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifty dollars is hereby appropriated out of any money, not otherwise appropriated, to defray the expenses of scrubbing and cleaning the Capitol building, immediately after the adjournment of the present session of the General Council; and that Solomon Jones is hereby authorized and required to scrub and clean said Capitol building.

SEC. 2.—*Be it further enacted*, That upon certificate of the National Secretary that the work of scrubbing and cleaning the Capitol building was properly done, etc., the National Auditor is hereby directed to issue his warrant for the above amount upon the National Treasurer, and that this act shall take effect and be in force from and after its passage.

Approved October 11, 1866.

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*Whereas*, that the Speaker of the House, etc., has this day announced Rev. Allen Wright as having received the highest number of votes, etc., and declared him to be elected Principal Chief of the Choctaw Nation, as the Constitution and laws of said Nation direct; Now, therefore,

*Be it resolved by the General Council of the Choctaw Nation assembled*, That the President of the Senate and Speaker of the House be, and are hereby requested to inform Rev. Allen Wright of his election, and to request him to come to the Capitol of this Nation without delay, etc.

Passed the House, October 4, 1866.

Passed the Senate, October 4, 1866.



## ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION OF THE CHOCTAW GENERAL COUNCIL,  
NOVEMBER, 1866.

A RESOLUTION authorizing an examination of the report of  
Campbell Leflore, etc.

*Be it resolved by the General Council of the Choctaw Nation assembled,* That there shall be appointed by the President of the Senate and Speaker of the House of Representatives respectively, a committee of three from each house, to consider the report of Campbell Leflore in reference to the claims of the loyal Choctaws, presented before the Court of Commissioners convened in Fort Smith in September last, 1866, with authority to call before them persons and papers necessary to a full consideration of the same.

*Be it further resolved,* That this resolution take effect and be in force from and after its passage.

Approved November 20, 1866.

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*Whereas,* that the subject of school is of such importance that it is necessary that it should be fully discussed and understood ; Now, therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled,* That next Saturday be, and is hereby set apart for the exclusive discussion of the subject of school, and that the President of the Senate and Speaker of the House are hereby requested to invite the District School Trustees and Superintendent Trustee and other prominent citizens, to participate with the members of the Council in the discussion of the above subject, which discussion shall be

opened at 9 o'clock, A. M., next Saturday in the Representative Hall.

SEC. 2.—*Be it further resolved*, That the said President and Speaker are hereby required to invite the people in the vicinity to attend and hear said discussion.

Approved, November 21, 1866.

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AN ACT entitled an act to amend an act creating the office of District Chiefs, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, should any District Chief fail or neglect to be in attendance as the law requires of him at the courts, etc., to address the people as required of him by law, the Circuit Judge shall be and is hereby required to appoint some suitable person to perform the duties incumbent upon the District Chief, and shall give the person performing the duties, a certificate for the sum of ten dollars, to be by the Auditor deducted from the pay of the District Chief so failing.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 22, 1866.

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AN ACT entitled an act granting Charles Leflore the privilege to erect a bridge on Clear Boggy and establish a toll-gate.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to Charles Leflore to establish a toll-bridge across Clear Boggy where the Fort Smith and Boggy Depot road crosses said stream, upon the following conditions: that if the said

Charles Leflore shall well and truly erect, or cause to be erected a bridge across said Clear Boggy, he shall be entitled to demand and receive therefor from persons passing over the same, except citizens of this Nation, the rates of toll, to wit : for each four-wheeled wagon or vehicle drawn by a span of horses, mules or oxen, twenty-five cents ; and twenty-five cents for each additional span ; twelve and a half cents for man and horse ; for each animal in a drove of horses, mules, cattle, hogs, or sheep, one cent ; and for a single horse, mule, or other animal, five cents.

SEC. 2.—*Be it further enacted*, That if any person or persons not citizens of this Nation refuse to pay the toll aforesaid, upon application, with proper proof being made to the United States Indian Agent for the Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 3.—*Be it further enacted*, That the privilege toll herein granted shall take effect and be in force whenever the said Charles Leflore shall well and truly erect, or cause to be erected, a good and substantial bridge, and so long as he may keep the same in good order, and is responsible to all person or persons crossing the same with their property, but shall in no manner be responsible for damages that may happen to citizens of this Nation, *provided*, the privilege shall not continue for a longer period than ten years.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 23, 1866.

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RESOLUTION removing the injunction of secrecy which was ordered by the General Council in October, 1865.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the injunction of secrecy enjoined

upon the Choctaw Commissioners in the resolution of instruction which was ordered by the General Council in October, 1865, touching the project of a treaty commenced at Fort Smith in September, A. D. 1865, be, and the same are hereby removed, and the said resolution of 1865 be placed on file among the papers in the office of the National Secretary.

SEC. 2.—*Be it further resolved*, That this resolution take effect from and after its passage.

Approved November 26, 1866.

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AN ACT entitled an act granting James D. Davis the privilege to erect a bridge on Middle Boggy and establish a toll gate, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to James D. Davis to establish a toll bridge across Middle Boggy at his present place of residence at or near the place where the Fort Smith and Boggy Depot road crosses said stream, on the following condition: That if the said James D. Davis shall well and truly erect or cause to be erected a bridge across said Middle Boggy, he shall be entitled and receive therefor, from persons passing over the same, except citizens of this Nation, the rates of toll, to wit: For each four-wheeled wagon or vehicle drawn by a span of horses, mules, or oxen, twenty-five cents; and twenty-five cents for each additional span; twelve and a half cents, for man and horse; for each animal in a drove of horses, mules, cattle, hogs, or sheep, one cent; for each led horse or mule, five cents.

SEC. 2.—*Be it further enacted*, That any person or persons not a citizen of this Nation, refuse to pay the toll aforesaid, upon application with proper proof being made to the United



States Indian Agent for the Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 3.—*Be it further enacted*, That the privilege toll herein granted shall take effect and be in force, whenever the said James D. Davis shall well and truly erect or cause to be erected a good and substantial bridge across said Middle Boggy, and so long as he keep the same in good order, and is responsible to all person or persons crossing the same with their property, but shall in no way be responsible for damages that may happen to citizens of this Nation ; *provided*, that the privilege continue for no longer period than ten years.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 1, 1866.

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AN ACT entitled an act appropriating certain sum of money for the relief of Caleb Impson.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of twenty-five dollars be and the same is hereby appropriated to pay Caleb Impson for beef furnished the wild tribes at the Grand Council held at Armstrong Academy in January, 1863, and that the National Auditor be required to issue his warrant on the National Treasurer for the same.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 1, 1866.

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A RESOLUTION authorizing an appointment of draughtsman.

SEC. 1.—*Be it resolved by the General Council of the Choctaw*

*Nation assembled*, That Campbell Leflore be and is hereby authorized and required to act as draughtsman to the General Council at its present session and shall receive four dollars per day during in actual service.

SEC. 2.—*Be it further resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved December 4, 1866.

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AN ACT entitled an act making the appropriation for the contingent expenses of the Choctaw Government.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of four hundred dollars is hereby appropriated for the use of the Executive of this Nation for defraying the contingent expenses of the Choctaw Government, to be accounted for by said Executive to the next regular General Council, as required in Section 8 of the act to define certain duties of the Principal Chief of the Choctaw Nation, approved October 16, 1860, and that this act shall take effect and be in force from and after its passage.

Approved, December 4, 1866.

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*Whereas*, we have received with the most profound sorrow and regret the sad intelligence of the death of our lamented friend and fellow-citizen, George Hudson, ex-Principal Chief of the Choctaw Nation; and *whereas*, it is due and proper that we should pay a tribute of respect to the memory of one who was a faithful and zealous advocate and defender of the rights and interest of his people; and *whereas*, we recognize with patriotic pride and commendation the faithful services he has rendered his country while acting as Principal Chief of the Choctaw Nation; now, therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the family of the deceased in their bereavement have our warm sympathy.

SEC. 2.—*Be it further resolved*, That as a token of respect to the memory of the deceased, that the General Council do now adjourn until Tuesday morning, and that we wear the usual badge of mourning for thirty days.

SEC. 3.—*Be it further resolved*, That these resolutions be entered upon the journal of both houses of the General Council, and that the National Secretary be and is hereby required to forward a copy of the same to the family of the deceased.

Approved December 11, 1866.

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AN ACT entitled an act granting to Greenwood Thompson the privilege to turnpike the Narrows and establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to Greenwood Thompson to establish a toll gate at a place on the public road in the Nation leading from Boggy Depot, C. N., to North Forktown, Creek Nation, at the Narrows known as the Limestone Gap, upon the following conditions and terms; That if the said Greenwood Thompson turnpike by grading the earth and leveling with stone, the said place called the Limestone Gap or Narrows, he shall be entitled to demand and receive therefor, from all persons passing on the same, except from citizens of this Nation, the rates of toll; to wit: For each four-wheeled wagon or other vehicle drawn by four or more horses, mules, or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon or vehicle drawn by one or two horses, oxen or mules, with driver, the sum of twenty-five cents; for man and horse, ten cents; for each person on foot the sum of five cents; for each animal in every drove of cattle, horses, hogs and sheep, the sum of one cent.

SEC. 2.—*Be it further enacted*, That the privilege to receive toll herein given shall not take effect until said turnpike is completed, and shall continue in full force for the period of six years ; *provided*, said turnpike shall continue to be kept in good order and repair.

SEC. 3.—*Be it further enacted*, That if any person or persons not citizens of this Nation refuse to pay the toll aforesaid, upon application, with proper proof, being made to the United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 4.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

It becomes law by its own limitation, December 14, 1866.

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AN ACT granting Jonathan Nail the privilege of building a Toll Bridge across the Blue River at the present crossing of the Boggy and Sherman road.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act the privilege of building a toll bridge across the Blue River at his present premises, is hereby granted to Jonathan Nail, of the County of Blue, Choctaw Nation.

SEC. 2.—*Be it further enacted*, That the rights and privileges thus granted be renewed at the expiration of five years, and the following rates of toll shall be allowed the said Jonathan Nail, to be collected from all persons crossing said bridge, except citizens of this Nation, &c. : For a four-wheeled wagon drawn by one yoke of oxen or span of horses, twenty-five cents ; wagon drawn by more than one yoke of oxen or span of horses, fifty cents ; man and horse, ten cents ;



footman and led horse, five cents; for all loose stock in droves or herds, one cent per head.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 13, 1866.

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AN ACT entitled an act for the relief of H. Clay, for services rendered therein mentioned.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of ninety-one dollars and twenty cents is hereby appropriated out of any money in the National Treasury, not otherwise appropriated, to pay Captain H. Clay, &c., auxiliary for guarding goods, &c., and the National Auditor will issue his warrant, in favor of the said H. Clay, upon the Treasurer, for the same, &c.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 13, 1866.

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AN ACT granting George W. Riddle the privilege of building a Toll Bridge across the Fouchmaline, and establish a Toll Gate thereat.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to George W. Riddle to establish a bridge and a toll gate on Fouchmaline stream, near his residence, on the road leading from Fort Smith to Boggy Depot, upon the following condition and terms: That if the said George W. Riddle shall well and truly erect or cause to be erected a bridge across said Fouchmaline, he shall be entitled to demand and receive therefor, from all persons passing over the same, ex-

cept from citizens of this Nation, the rates of toll—to wit: For each four-wheeled wagon drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon or other vehicle drawn by one or two horses, mules or oxen, the sum of twenty-five cents; for each man and horse, the sum of ten cents; for each animal in every drove of cattle, horses, mules, hogs and sheep, one cent.

SEC. 2.—*Be it further enacted*, That if any person not a citizen of this Nation shall refuse to pay the toll aforesaid, upon application, shall be reported to the United States Indian Agent to be by him collected, &c.

SEC. 3.—*Be it further enacted*, That the privilege to receive toll herein given shall take effect and be in force when the said George W. Riddle shall well and truly have erected a good bridge, and as long as he shall keep the same in good repair, and be responsible for all damages to any person or persons crossing the same with their property; *provided*, the privilege herein granted shall not continue for a longer term than five years.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 14, 1866.

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*Whereas*, the General Council of the Choctaw Nation did, at the close of the war, find the condition of the Nation such, that the civil forces of the Nation was insufficient to enforce the laws, &c., and *whereas* the condition of the Nation is now quiet, and the civil force of the Government deemed sufficient to enforce the laws; therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the act creating an auxiliary force to

aid the civil officers of this Nation be and the same is hereby repealed, and all subsequent acts thereto.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 15, 1866.

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AN ACT to provide for the payment of certain persons for hauling blankets for Apuckshunubbee District, &c.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of one hundred and twenty-eight dollars be and the same is hereby appropriated out of any fund in the National Treasury not otherwise appropriated, to pay Ramsey Bets, Simeon Houston, and Thomas H. Benton for hauling blankets—to wit :

To Ramsey Bets, for 2,720 lbs., at 16 p.	- - -	\$54 40
“ Simeon Houston, for one load,	- - - - -	50 00
“ Thomas H. Benton, for 6 days, at \$4 per day,		24 00

SEC. 2.—*Be it further enacted*, That the National Auditor is hereby required to issue his warrant upon the National Treasurer, the amount, &c., in favor of the parties herein named, &c.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 15, 1866.

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AN ACT repealing an act entitled an act to change the boundary lines of Gains County.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the act passed the General Council and approved October 12th, 1863, changing the boundary

lines of Gains County, be, and the same is hereby repealed ; and that the first boundary lines of Gains County, as established in the year 1850, be, and the same is hereby revived and re-established for the convenience of the counties of said Gains and Sans Bois in Mosholatubbee District.

SEC. 2.—*Be it further enacted*, That this act be in force and effect from and after its passage.

Approved December 15, 1866.

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AN ACT entitled an act to make accessories and abettors, etc., to any crime.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, all persons aiding and abetting in the commission of any crime, or being accessories before or after the commission of any crime, shall be held and liable to answer the law as the principal, and the non-committal and trial of the principal shall be no relief to the accessory ; and he or she shall be tried as though they were principal.

Approved December 19, 1866.

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A RESOLUTION for the adjournment of the Council.

*Resolved by the General Council of the Choctaw Nation assembled*, That the present session of the General Council adjourn on the 21st instant, Friday, at 12 o'clock, A. M.

Approved December 20, 1866.

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AN ACT to pay for the publication of Treaty 1866, etc.

SEC. 1.—*Be it enacted by the General Council of the Choc-*



*taw Nation assembled*, That the sum of one hundred and fifty dollars be, and is hereby appropriated to pay Allen Wright for five hundred copies of the late Treaty by him authorized to be published for the use of the Nation, etc., and the National Auditor is hereby authorized to issue his warrant upon the National Treasurer for the amount, etc.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 21, 1866.

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SPECIAL appropriation to pay G. W. Thompson for furnishing members of General Council mourning badges.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of thirty-one dollars and eighty-one cents be, and the same is hereby appropriated to pay G. W. Thompson for furnishing mourning badges to the Council, to be worn by the members thereof, to the memory of the ex-Principal Chief of the Choctaw Nation, George Hudson deceased; and that the National Auditor issue his warrant on the Treasurer in favor of G. W. Thompson.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved December 21, 1866.

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AN ACT entitled an act to provide for the investigation of the disbursement of public moneys, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That there be a committee of three suitable persons appointed by the Principal Chief of the Choctaw Nation to investigate the disbursement of certain amounts of National funds, to wit: in coin, thirty-five thousand five hun-

dred and twenty dollars (\$35,520); in treasury notes, fifty thousand dollars (\$50,000), turned over to the Treasurer of the Choctaw Nation on the 27th of February, 1862, by Brigadier-General Albert Pike, and other moneys appropriated by the General Council of the Choctaw Nation, and placed in the hands of Brigadier General D. H. Cooper, to purchase corn for the use and benefit of the indigent Choctaws, and all other moneys to the present time from the year A. D. 1857.

SEC. 2.—*Be it further enacted*, That the committee shall be authorized to call for all papers and persons that may be necessary to examine in order to a full investigation of the matter confided to them—their pay shall be three dollars per day and mileage; the witnesses appearing before the commissioners and testifying, shall receive the same pay and mileage as is allowed them for like services in the county courts, etc.

SEC. 3.—*Be it further enacted*, That the Principal Chief shall advance such sum of money to the committee as he may deem proper to enable the committee to proceed at once with their duties, etc.

SEC. 4.—*Be it further enacted*, That the transcript of the investigations had by the committee, shall, when finished, be placed in the hands of the Principal Chief, to be submitted to the next General Council, etc.; the Chief shall then give the committee a certificate for the services rendered and the amount due, etc.; the National Auditor shall thereupon issue his warrant upon the National Treasurer for the amount, etc.

SEC. 5.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 21, 1866.

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AN ACT to authorize the National Auditor to issue his warrant on the National Treasurer to each member of the

present session of the Council, and the presiding officers of both Houses, journalists, clerks, sergeant-at-arms, and other officers in attendance.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of three dollars per day be, and the same is hereby allowed to each member of the present session of the Council, and each presiding officer, journalist, clerks, sergeant-at-arms, and other officers in attendance on duty, to defray their expenses incurred during the Council, and that the sum sufficient to meet the foregoing purposes be, and the same is hereby appropriated out of any money in the hands of the Treasurer.

SEC. 2.—*Be it further enacted*, That the National Auditor be and he is hereby instructed to issue his warrant on the National Treasurer to carry out the meaning and intention of this act, including their standing salaries provided for in other acts.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Re-passed the House by two-thirds votes, December 21, 1866.

Re-passed the Senate by two-thirds votes, December 21, 1866.

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AN ACT to provide for the payment of Willis Hoyubbee, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of forty dollars (\$40) be, and the same is hereby appropriated to Willis Hoyubbee out of any money in the National Treasury, not otherwise appropriated, for coming to and returning home from Armstrong Academy, under proclamation of Samuel Garland, Principal Chief, in the month of January, A. D. 1863, and seven days

at the said place of holding the Council, and the National Auditor is hereby required to issue his warrant upon the National Treasurer for the amount.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 21, 1866.

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AN ACT changing the place of holding the Circuit and County Court of Jack's Fork County, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the Circuit and County Court ground of Jack's Fork County, formerly held in the vicinity of Josiah Impson's, near the road leading from Caffray's to the Blackburn's place on the Fort Smith and Boggy Depot road, shall be removed and located at John Peter's, and to be called Peter's Court ground, and the act of the General Council locating the Court ground in the vicinity of Josiah Impson's be, and the same is hereby repealed.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 21, 1866.

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AN ACT for the relief of A. W. Carney, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of thirty dollars be, and the same are hereby appropriated to A. W. Carney for feeding four Commanche chiefs, three Osages and two Caddoes, for ten days when there was no provision furnished them, at the Grand Council held at Armstrong Academy, January, 1863,



and the National Auditor be required to issue his warrant on the Treasurer for the above amount, in favor of A. W. Carney.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 21, 1866.

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*Whereas*, the Senate of the United States did on the 28th day of June, A. D. 1866, advise and consent to the ratification of the articles of agreement and convention between the United States and the Choctaw and Chickasaw Commissioners, and the same having been confirmed by the President of the United States on the 10th day of July following; and *whereas*, the same having been submitted to the General Council of the Choctaw Nation, and having been interpreted and fully explained; therefore,

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the report of Choctaw Commissioners and all their acts respecting the negotiations of the late Treaty, made and concluded at Washington City between the United States and the Choctaw and Chickasaw Nations of Indians be, and the same is hereby received and approved.

SEC. 2.—*Be it further enacted*, That the propositions contained in the 3d and 8th articles of said Treaty are hereby deferred until the next regular session of the General Council, and the 11th and 47th articles are hereby referred to the people at large to be declared through their legal representatives in Council at the October session, A. D. 1867, and the Principal Chief is hereby required to issue his proclamation when he shall think expedient, calling the votes of the people, the specified articles above.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 21, 1866.

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AN ACT entitled an act to extend the neighborhood schools throughout the Choctaw Nation.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the District School Trustees, under the direction of the Superintendent Trustee, shall establish and maintain a neighborhood school in each neighborhood of this Nation, where there are Choctaw children of proper age to attend the school.

SEC. 2.—*Be it further enacted*, That the teachers of the neighborhood schools shall advise the Trustee in reference to the branches to be taught, as well as the length of the sessions and the number of scholars to be admitted into each school, and that they shall receive for their services as teachers the sum of two dollars per month for each pupil attending the school, to be paid by the Superintendent to each teacher upon certificate of the District Trustee of the District in which such service has been performed and the amount due for the same.

SEC. 3.—*Be it further enacted*, That the bond required of each School Trustee and Superintendent in the 3d section of "an act to amend the various acts in relation to education," etc., approved November 11, 1853, when executed by them, and approved by the Principal Chief, shall be filed immediately thereafter in the office of the National Secretary for safe keeping.

SEC. 4.—*Be it further enacted*, That this act shall take effect, and be in force from and after its passage.

Approved, December 21, 1866.

*Whereas*, a Commissioner appointed by the authorities of the United States, did convene in the City of Fort Smith, Ark., in the month of September last, 1866, in compliance with the 49th and 50th Articles of the late Treaty, concluded and signed in the City of Washington on the 28th day of April, A. D. 1866, to investigate the claims of loyal Choctaw and Chickasaw Indians, and Joseph G. Heald and Reuben Wright of Massachusetts, as provided in said Articles ; and *whereas*, it appears from the report of the parties engaged in the defence, that fraudulent claims to a very large amount were presented and established, against the National fund of the Choctaw and Chickasaw Nations, upon the testimony of persons actuated by corrupt and mercenary motives ; and *whereas*, the convening of the Court of Commission beyond the limits of the Choctaw and Chickasaw Nations was a hardship to the defendants, as well as unusual in practice, to parties litigant to go beyond their limits to adjudicate their differences ; therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled* (the Chickasaw Nation concurring), That a solemn protest is hereby presented to the Honorable Secretary of the Interior against the confirmation of the awards recommended by the said commission, for the reasons before stated, and for the further reason, that the hurried course of examination adopted by the Commissioners, gave the Nation no chance to introduce rebutting testimony, nor to offer any legal remedy before the said Court of Commissioners ; hence, they respectfully refer the final consideration of their interest to his Honor, soliciting further indulgence to prepare a series of depositions under the supervision of the United States Agent for Choctaws and Chickasaws, in order to correct as far as practicable, the wrong done to the defendants.

SEC. 2.—*Resolved further*, That General Rice, one of the Commissioners on the part of the United States, and Capt.



Campbell Leflore, junior counsel on behalf of the Choctaw Nation, did agree, that testimonies might be taken by the defence and be considered as proper evidence by the said Commissioners upon cases already reported : and that such testimonies be taken in the presence of the United States Agent, who shall certify that the same has been taken according to the usual rules of taking evidence ; therefore, this Nation, being a party interested, respectfully request the Hon. Secretary of the Interior to favorably respond to the solicitation of the Choctaw and Chickasaw Nations.

SEC. 3.—*And be it further resolved*, That the Principal Chief of this Nation, be and he is hereby authorized and requested to transmit a certified copy of the above resolution to the Secretary of the Interior through the proper channel of communication with the Government of the United States, accompanied with such report and suggestions as he may deem necessary to make, to the effect, that the claims made under the 49th and 50th Articles of the treaty above-mentioned, be suspended, until this Nation shall have further time to introduce rebutting testimony.

Approved December 21, 1866.

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## ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION OF THE CHOCTAW GENERAL COUNCIL,  
OCTOBER, 1867.

*Resolved by the General Council of the Choctaw Nation assembled*, That the Principal Chief of the Nation be and he is hereby instructed to respectfully request the Honorable Commissioner of Indian Affairs at Washington City to make no



disbursement or disposition of Choctaw money, other than to carry into effect the treaty stipulations, or by an act of the General Council of the Choctaw Nation making appropriations for National purposes duly certified to by the National Secretary; *provided*, however, the same shall not interfere with the due administration of the intercourse regulation of the United States.

*And be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved October 15, 1867.

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AN ACT entitled an act granting to Wade N. Hampton the privilege to turnpike the Buffalo Station and establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to Wade N. Hampton to establish a toll gate at a place on the public road in the Nation leading from Boggy Depot, Choctaw Nation, to Fort Smith, known as the Buffalo Station, upon the following conditions and terms: That if the said Wade N. Hampton, turnpike by grading the earth and leveling with stones, the said place called the Buffalo Station, he shall be entitled to demand and receive therefor from all persons passing on the same, except from citizens of the Nation, the rates of toll, to wit: For each four-wheeled wagon or other vehicle drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon or other vehicle drawn by one or two horses, oxen or mules, with driver, the sum of twenty-five cents; for man and horse, ten cents; each person on foot the sum of five cents; for each animal in every drove of cattle, horses, mules, hogs and sheep, the sum of one cent.

SEC. 2.—*Be it further enacted*, That the privilege to receive

toll herein given shall not take effect until said turnpike is completed and shall continue in full force for the period of ten years; *provided*, said turnpike shall continue to be kept in good order and repair.

SEC. 3.—*Be it further enacted*, That if any person or persons not citizens of this Nation refuses to pay the toll aforesaid, upon application with proper proof being made to the United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 17, 1867.

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### AN ACT to provide for the collecting and printing of the Choctaw laws.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the present session of the General Council shall elect one competent person, whose duty it shall be to have collected, printed immediately after the adjournment of the present Council, one thousand copies of the laws of the Choctaw Nation, embracing all the printed and manuscript laws and the treaties of 1855 and 1866, and also the reports of Committees and the settlement of the National Auditors' and the Treasurers' accounts from A. D. 1853, as well as all contracts made with Delegations since A. D. 1853. That the first half or five hundred copies shall be in English, the second five hundred in Choctaw, to be printed as soon as the translation can be perfected, which said translation, the person having the charge of the same shall have the right to employ some competent person or persons to assist him as he may think proper.

SEC. 2.—*Be it further enacted*, That the present session of the General Council shall make an appropriation of three thousand dollars for the purpose of printing and binding of the books, in substantial form, and the National Auditor shall issue his warrant upon the Treasurer for the same, and the person having the charge of the amount, shall keep a correct account of all the expenditures that may be incurred during prosecution of the work, and in the completion of the whole printing of said books, he shall make a full statement, in details, of all expenditures incurred thereon to the General Council of the Choctaw Nation, and the money so remaining in his hand, if any, shall be refunded by the person having the charge of the same.

SEC. 3.—*Be it further enacted*, That person so elected, into whose hand the whole work of translating and printing shall be committed, and services to be performed by him, shall be entitled to receive one thousand dollars as his compensation. and the National Auditor shall issue his warrant upon the Treasurer for the same.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 17, 1867.

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AN ACT entitled an act for the relief of certain light-horse men herein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the following named light-horse men, on duty to preserve order in and about this place during the present session of the General Council, shall each receive one dollar and fifty cents per day, namely: Ilikanchitubi, Pesahinlubi, Big John, Wallace McClure, Mac Durant, William Johnson and Hotimayabi; and that upon the certificate of the Principal Chief of the number of days of actual services of each of them, during the present session, and the amounts



due therefor, the National Auditor is hereby authorized and directed to issue his warrants for the same upon the National Treasurer, in favor of each said light-horse man ; *provided*, that this allowance is for services rendered during this session alone.

SEC. 2.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, October 18, 1867.

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AN ACT entitled an act granting to Olarsechubbee the privilege to turnpike the Mountain Station and establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to Olarsechubbee, to establish a toll gate at the place on the public road in the Nation, leading from Boggy Depot, Choctaw Nation, to Fort Smith, known as the Mountain Station, upon the following conditions and terms ; That if the said Olarsechubbee turnpike by grading the earth and leveling with stones, the said place called the Mountain Station, he shall be entitled to demand and receive therefor from all persons passing on the same, except from citizens of this Nation, the rates of toll, to wit : For each four-wheeled wagon or other vehicle drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents ; for each four-wheeled wagon, or other vehicle drawn by one or two horses, oxen or mules, with driver, the sum of twenty-five cents ; for man and horse, ten cents ; each person on foot, the sum of five cents ; for each animal, in every drove of cattle, horses, mules, hogs and sheep, the sum of one cent.

SEC. 2.—*Be it further enacted*, That the privilege to receive toll, herein given, shall not take effect until said turnpike is completed, and shall continue in full force for the period of ten years, *provided*, said turnpike shall continue to be kept in good order and repair.



SEC. 3.—*Be it further enacted*, That if any person or persons, not citizens of this Nation, refuses to pay the toll aforesaid, upon application, with proper proof being made to the United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 18, 1867.

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AN ACT to authorize the Principal Chief to appoint a draughtsman for the General Council during the sitting of each Session, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Principal Chief of this Nation be, and he is hereby authorized to select some competent draughtsman, for both Houses of the General Council, to prepare bills, or reports of committees, and generally to assist members of each House in all matters of legislation; that, *provided*, he shall appoint draughtsman alone, whenever requested to do so, by the presiding officers of both Houses of the General Council, and to dismiss the same, when notified by the said officers that draughtsman's services are no longer needed.

SEC. 2.—*Be it further enacted*, That such draughtsman shall be allowed the same pay as the journalist of each House, and the Auditor shall issue his warrant for the same upon the certificate of the clerk of the Senate for such services.

SEC. 3.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved October 18, 1867.

THE HONORABLE MEMBERS OF THE GENERAL COUNCIL OF THE  
CHOCTAW NATION :

The undersigned, special committee on executive communication between Choctaw and Chickasaw, in regard to committee of conference, respectfully beg leave to report with the following resolution :

SEC. 1.—*Resolved by the General Council of the Choctaw Nation assembled*, That the Principal Chief of the Choctaw Nation is hereby authorized to appoint a committee of two—one from each House—who shall meet the committee of conference at Tishomingo, Chickasaw Nation, to inquire and ascertain the object and intention of the committee of conference, and report the same to the present session of the General Council, and also when and where to meet.

SEC. 2.—*Resolved further*, That the said committee shall be allowed four dollars per diem, and mileage in addition to pay, as members of the General Council of this Nation.

SEC. 3.—*Resolved further*, That this resolution take effect and be in force from and after its passage.

Approved, October 18, 1867.

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AN ACT for the relief of Thomas Holman, *et al.*

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of (\$180) one hundred and eighty dollars is hereby appropriated out of any money in the National Treasury, to wit : sixty dollars each to Thomas Holman, Silas Nuckwiattubbee and Billy Williams, for hauling Government blankets from Boggy Depot to Doakesville, Choctaw Nation.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 23, 1867.

AN ACT changing the place of holding the Courts of Wade County, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, the present Court and election ground of Wade County shall be changed from McDaniel's to or near the present premises of Joseph McCray, and shall be called and known as Kouchouwa, and the act heretofore locating the said Court and election ground shall be and is hereby repealed—and that this act take effect, and be in force from and after its passage.

Approved October 23, 1867.

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AN ACT entitled an act to change the names and declare legitimate persons therein named.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the names of Wilson Leflore and Anna Bell Leflore be changed each and severally to Wilson Jones, jr. and Anna Bell Jones, and that they be declared the legitimate children of said Wilson Jones, senior, and shall be entitled to all the rights as heirs-at-law of said Wilson Jones, senior, in the same manner and to the same extent as if they had been born in wedlock.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved, October 23, 1865.

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AN ACT supplementary to an act entitled an act defining the duties of the office of Sheriff in the several Counties of the Choctaw Nation, &c.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*

*Nation assembled*, That in case the Sheriff of any County shall be amenable to the law, and it shall be necessary to issue a writ or summon for his arrest or appearance in court, the process or writ shall issue as in other cases, and shall be by the officer issuing such writ or process directed to any deputy sheriff or light-horse of his county, who shall, to all intents and purposes of law, be principal Sheriff in such cases and execute writs, take bonds, and execute the judgments of the court in such cases.

SEC. 2.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, October 25, 1867.

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AN ACT entitled an act to establish election precincts in the  
County of Cedar.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act there shall be established in the County of Cedar three election precincts—to wit : One at Coleman Cole's old place, to be called Cedar Creek precinct; one at Spencer Academy, to be called Spencer precinct; and the other at Thomas' Meeting House, and to be called Okhatahtalaya.

SEC. 2.—*Be it further enacted*, That this act shall repeal so much of the act of October 24th, A. D. 1860, as conflicts herewith, and that this act take effect and be in force from and after its passage.

Approved, October 30, 1867.

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AN ACT ent led an act granting to Jack McCurtain the privilege to turnpike the Narrows, and establish a toll-gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw*



*Nation assembled*, That the privilege is hereby granted to Jack McCurtain to establish a toll-gate at a place on the public road in this Nation, leading from Fort Smith, Arkansas, to Boggy Depot in the Choctaw Nation, near the present residence of said McCurtain, and called the Narrows, upon the following conditions and terms: That if the said Jack McCurtain turnpike by grading the earth and leveling with stones the said Narrows, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from citizens of this Nation, the rates of toll—to wit: For each four-wheeled wagon or other vehicle drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon or other vehicle drawn by one or two horses, mules or oxen, with driver, the sum of twenty-five cents; for each person on horseback, ten cents; for each person on foot, and for each led horse, mule or other animal, five cents; and for each animal in every drove of cattle, horses, hogs and sheep, the sum of one cent.

SEC. 2.—*Be it further enacted*, That the privilege to receive toll herein mentioned and given shall not take effect until said turnpike is completed, and shall continue in full force for the period of ten years; *provided* the said turnpike shall continue to be kept in good order, and not otherwise.

SEC. 3.—*Be it further enacted*, That if any person or persons not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof, being made to the United States Indian Agent for the Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 4.—*Be it further enacted*, That the privilege granted by this bill extend one-fourth of a mile on each side of said turnpike.

SEC. 5.—*Be it further enacted*, That this act take effect from and after its passage.

Approved November 2, 1867.

AN ACT entitled an act granting to Allen W. Carney the privilege to turnpike the Rock Creek Mountain, and establish a toll-gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to Allen W. Carney to establish a toll-gate at a place on the public road in Tobucksy County, in this Nation, leading from Fort Gibson to Boggy Depot, Choctaw Nation, upon the following terms and conditions: That if the said Allen W. Carney turnpike, by grading the earth and leveling with stones said place called the Rock Creek Mountain of said county, within four hundred and forty yards each way where the road crosses said mountain, and he shall be entitled to demand and receive therefor, from all persons passing over the same, except from citizens of this Nation, the rates of toll—to wit: For each four-wheeled wagon or other vehicle drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon or other vehicle drawn by one or two horses, mules or oxen, with driver, the sum of twenty-five cents; for a man and horse, twelve and a half cents; for each person on foot, the sum of five cents; for each animal in every drove of cattle, horses, hogs and sheep, the sum of one cent.

SEC. 2.—*Be it further enacted*, That the privilege to receive toll herein given shall not take effect until said turnpike is completed, and shall continue in full force for the period of ten years; *provided*, said turnpike continue to be kept in good order, and not otherwise.

SEC. 3.—*Be it further enacted*, That if any person or persons not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof, being made to the United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 5, 1867.

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AN ACT entitled an act granting to John Wilkin, the privilege to build a bridge over Bayouzil, one quarter of a mile more or less below the present crossing of the road leading from Fort Smith to Boggy Depot, Choctaw Nation, and establish a toll-gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to John Wilkin to build a bridge over Bayouzil, about one-fourth of a mile below the present crossing of the road leading from Fort Smith, Ark., to Boggy Depot, Choctaw Nation, and to establish a toll-gate thereon, upon the following conditions : That if the said John Wilkin shall erect or cause to be erected a good and substantial bridge across Bayouzil at the above mentioned place, and shall cut out and make a good road running from Washington McDaniel's, by said bridge, intersecting the Fort Smith road at some convenient point, and shall keep said road, so cut out, in good order and condition, he shall be entitled to demand and receive therefor from all persons passing over the same, except from citizens of this Nation, the rates of toll—to wit : For each four-wheeled wagon or vehicle drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents ; for each four-wheeled wagon or other vehicle drawn by one or two horses, mules or oxen, the sum of twenty-five cents ; for each person on horseback, ten cents ; for each person on foot, and for each led horse, mule, or other animal, five cents ; and for each animal in every drove of cattle, horses, sheep and hogs, the sum of one cent.

SEC. 2.—*Be it further enacted*, That the privilege to re-



ceive toll herein granted, shall not take effect until said road and bridge is completed, and shall continue in full force for the period of ten years ; *provided*, said bridge and road shall continue to be kept in good order and condition, and not otherwise.

SEC. 3.—*Be it further enacted*, That any person not citizen of this Nation, refusing to pay the toll aforesaid, upon application, with proper proof, being made to the United States Indian Agent for the Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 4.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 5, 1867.

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AN ACT amendatory to an act entitled an act providing for and directing the manner of taking the census of the Choctaw Nation, approved November 4th, 1857.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That an act entitled an act providing for and directing the manner of taking the census of the Choctaw Nation, approved November 4th, 1857, be and the same are amended as to read thus : That in section 10th in 4th line, stike out the word "Governor," and insert in lieu thereof the word, Principal Chief ; and also to strike out the word, "the President of the Board of Police for such counties, who shall order an election to supply the vacancy according to law," and insert the following words, "the Principal Chief of the Nation, who shall fill the vacancy for all such delinquent sheriffs."

SEC. 2.—*And be it further enacted*, That in section 11th, in the 6th line, the words "Board of Police" be stricken out,



and insert "County Judge," and also to strike out the word "slave form" prescribed in the act, and insert in lieu thereof "freedmen from States and other nations."

SEC. 3.—*And be it further enacted*, That the Principal Chief is hereby instructed to issue his proclamation to the effect, that the sheriff of each and every county of this Nation shall commence taking the census of the Nation on the first Monday of December, 1867, and shall make his return on or before the first day of February next, 1868, according to the form prescribed in the act approved November 4th, 1857; *provided*, however, that this act shall not be construed as annulling the third section of an act approved November 4th, 1857, after the 1st day of February, A. D. 1868.

SEC. 4.—*And be it further enacted*, That this act be in force from and after its passage.

Approved, November 5, 1867.

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AN ACT entitled an act granting to John James the privilege to erect a bridge on James' Creek and establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to John James to establish a toll gate on the road leading from Boggy Depot, Choctaw Nation, to Texas, at his present place of residence, on said James' Creek in Blue County, four hundred and forty yards up and down the Creek, upon the following terms and conditions: That if the said James shall well and truly erect or cause to be erected a bridge across said James' Creek, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from citizens of this Nation, the rates of toll—to wit: For each four-wheeled wagon or other vehicle drawn by four or more horses,

mules or oxen, with driver, the sum of fifty cents; for each four-wheeled wagon or other vehicle drawn by one or two horses, mules or oxen, with driver, the sum of twenty-five cents; for each man and horse, ten cents; for each person on foot, five cents; for each animal in every drove of cattle, horses, hogs and sheep, one cent.

SEC. 2.—*Be it further enacted*, That if any person or persons not citizens of this Nation, refuse to pay the toll aforesaid, upon application with proper proof being made to the United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 3.—*Be it further enacted*, That the privilege to receive toll herein granted, shall take effect and be in force whenever the said John James shall well and truly erect said bridge, and continue so long as he shall keep the same in good order, and the privilege herein granted shall not continue for a longer time than ten years.

SEC. 4.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved November 5, 1867.

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AN ACT entitled an act for the relief of the Treasurer and Auditor's bonds and securities.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the reports of T. J. Bond, the National Treasurer, and William Robuck, the National Auditor, for the year ending 1st October, 1867, are hereby accepted on the part of the General Council, and the bond executed by said National officers are hereby declared null and void.

SEC. 2.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved November 12, 1867.

RESOLUTION giving a per diem to certain National officers herein mentioned.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Basil Leflore, the National Treasurer, and Sampson Folsom, the National Attorney, be allowed and receive two dollars per day for each day's actual attendance upon the General Council at the present Session, and that the National Auditor is hereby authorized and directed to issue his warrant in favor of each of said National officers upon the National Treasurer for the amount of such per diem in the manner of paying regular salaries; *provided*, that this resolution shall not be so construed as to allow said officers such pay at any future Session of the General Council.

SEC. 2.—*Be it further resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved November 13, 1867.

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A RESOLUTION requiring National Auditor to make report, etc.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the Finance Committee of this Council are hereby instructed to call upon the National Auditor for a detailed report of the amount of money expended by him in purchasing all needful supplies of books and stationery, etc., for the General Council and the National officers, as provided for by the 9th Section of an act entitled an act to define the duties of the National Auditor, etc., approved October 29th, 1860, and ascertain how much money expended in purchasing said supplies of books from October 1st, 1866, to October 1st, 1867, and report the same to this Council at its present Session, as well as report on the detailed report of

the expenditure of the contingent fund placed in the hands of the Principal Chief.

SEC. 2.—*Be it further resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved November 15, 1867.

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A RESOLUTION appropriating money for the relief of certain persons therein named.

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the sum of three hundred and twenty-eight dollars and five cents be appropriated out of any school funds in the hands of the National Treasurer, not otherwise appropriated, in favor of the following names, to wit :

Patten & Weams, \$151,90; Hannah, \$58,28; Patten & Beams, \$71,98; Hannah, \$30,47; Wood & Harkins, \$9,67; Milliner, \$5,75.

That the National Auditor is hereby authorized to issue his warrant in favor of the above specified individuals upon the National Treasurer for the same.

SEC. 2.—*Be it further resolved*, That this resolution take effect and be in force from and after its passage.

Approved, November 16, 1867.

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A RESOLUTION borrowing a certain amount of the school fund by the Nation.

SEC. 1.—*Resolved by the General Council of the Choctaw Nation assembled*, That the school funds on hand to the amount of six thousand four hundred and ninety five dollars and fifty-six cents, the same is hereby appropriated to defray the expenses of the present session of the General Council;



*provided*, however, that the said school fund, thus appropriated, shall be refunded and replaced as soon as the National fund is received by the Treasurer of this Nation.

SEC. 2.—*Be it further resolved*, That the Treasurer is hereby required to borrow five thousand and five hundred dollars from E. S. Mitchell, which he is willing to advance to the Nation, and the same to be accounted for as soon as practicable; *provided*, that the National Treasurer be authorized to redeem and pay E. S. Mitchell the sum of four thousand and five hundred dollars for the warrants that said E. S. Mitchell has against the Treasury of the Choctaw Nation.

SEC. 3.—*Be it further resolved*, That this resolution shall take effect, and be in force from and after its passage.

Approved November 16, 1867.

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*Whereas*, Col. P. P. Pitchlynn, Israel Folsom, Samuel Garland and Peter Folsom, were duly appointed delegates and commissioned as such in the name of the Choctaw Nation under several acts and resolutions of the General Council to institute in behalf of the Choctaw people, a claim upon the United States, for the pay and remuneration for the country which they ceded to the United States Government east of the Mississippi River; and *whereas*, said delegates did effect a basis for the payment of said claims, as mentioned in the 11th and 12th Articles of the Treaty of June 22d, 1855, and thereupon the Senate of the United States, on the 9th of March, 1859, did agree that the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States, on the 1st day of January of the same year, deducting therefrom the cost of survey and sale, and all proper expenditures and payment under said treaty, etc., etc., and did authorize the Secretary of Interior to cause an account to be stated with the Choctaws, showing what amount is due them according to the principles of settlements, and

report the same to Congress, (see Report Senate, No. 374, Second Session, 35th Congress, 1858-59). And *whereas*, it appears, that the Secretary of the Interior did find, that according to the principles of settlement prescribed by said resolution, there was due to the Choctaw Nation the sum of \$2,981,247 30; and *whereas*, the Senate Committee of Indian Affairs revised the account and reduced the amount thus reported to be due the Choctaws to \$2,332,560 85, and said Congress, by Act of March 2d, 1861, did appropriate the sum of five hundred thousand dollars, on account of this claim, with a proviso, that in the future adjustment of the claim of the Choctaws, under the treaty aforesaid, the said sum shall be charged against the said Indians; *whereas*, by the Articles of the Treaty of April 28, 1866, the United States re-affirmed all obligations arising out of treaty stipulations, or acts of legislation, with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, "not inconsistent herewith," as well as all the rights, privileges and immunities heretofore possessed by said Nations, or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby declared to be in full force, so far as they are consistent with the provisions of this treaty; Therefore,

SEC. 1.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the delegates, composed of P. P. Pitchlynn, Israel Folsom, Samuel Garland and Peter Folsom, are hereby notified that inasmuch as they have nearly consummated the "net proceed question," they shall proceed without delay to Washington City, for the express purpose of bringing the subject matter of these resolutions to the notice of Congress, and to respectfully ask an early appropriation to be made to carry into effect the amount due this Nation, as stated in the foregoing preambles of these resolutions.

SEC. 2.—*Be it further resolved*, That in the event, an ap-

propriation shall be made by Congress, in whole or in part payment of the net proceed sale of the lands of the Choctaws, which they ceded to the United States, east of Mississippi River, the delegates herein mentioned shall report to the National Attorney of this Nation the fact of such appropriation, who shall proceed to investigate the claims of such delegates as well as the amount that may be due their attorneys for fees under a certain contract said to have been made with John T. Cochrane, dated February 13th, 1855, and shall report the amount due to the delegates and attorneys, to the Principal Chief of this Nation, who shall convene the Council should he deem it necessary, in order to provide payment due under the contract aforesaid, as well as to carry into effect the 12th Article of the Treaty of June 22d, 1855. It being, understood, however, that no money shall be paid on said contract, or any other contract which had not been duly authorized and approved by the Council; and when contracts are adjusted and paid, they shall be duly cancelled and filed away in the office of National Secretary.

SEC. 3.—*Be it further resolved*, That it is hereby declared to be the intention of the Choctaw Nation, that the terms of service of the delegates herein mentioned, shall expire whenever the whole amount of the “net proceed question” is adjusted and settled by Congress, and said delegates are required to render a full and just report of their proceedings and progress they are making with the claim, from time to time, to the Principal Chief of this Nation.

SEC. 4.—*Be it further resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved November 18, 1867.

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AN ACT entitled an act amending an act therein mentioned.

*Be it enacted by the General Council of the Choctaw Nation*



*assembled*, That the act passed in October 31st, 1860, subsection second, be and is hereby amended, so as to read thus: That an addition of the election precincts in Eagle County, be and is hereby established and located at Hocha's Schoolhouse, and be called Hocha's Precinct, and that this act take effect and be in force from and after its passage.

Approved November 19, 1867.

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AN ACT entitled an act amending an act therein mentioned.

*Be it enacted by the General Council of the Choctaw Nation assembled*, That the act passed in October 31st, 1860, subsection second, be amended so as to read thus: That in addition to the election precincts in Towson County, one to be established and located at Clear Creek, where the road from Doakesville to Wheelock crosses the same, to be called Clear Creek Precinct.

*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 19, 1867.

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RESOLVED *by the General Council of the Choctaw Nation assembled*, That the present session of General Council adjourn on the 20th instant, Wednesday, 12 o'clock, M.

Approved November 19, 1867.

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AN ACT entitled an act removing Sugar Creek Election Precinct, in Kiamichi County, to Caffrey's Place.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the election precinct established on Sugar Creek shall be removed and located at Caffrey's Place.



SEC. 2.—*Be it further enacted*, That any laws, or parts of laws, in any manner coming in conflict with this law, are hereby repealed.

SEC. 3.—*Be it further enacted*, That this act shall take effect, and be in force from and after its passage.

Approved November 19, 1867.

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AN ACT entitled an act prescribing the manner of executing convicts in capital cases.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the punishment of death shall be inflicted by shooting the convict until he be dead.

SEC. 2.—*Be it further enacted*, That the punishment of death shall be inflicted at the Circuit Court ground, in each county of this Nation, where he was convicted, and that ministers of the Gospel, physicians, and deputy sheriffs of the county in which the convict is confined may, on notification of the sheriff, attend such execution, and the sheriff shall make due return of the warrant of execution, of the execution thereof, which shall be attested by two of the deputy sheriffs present, and said warrant of execution shall be returned, by the sheriff, to the clerk of the court from which said warrant was issued, to be filed by the clerk among the proceedings in said case as a part thereof.

SEC. 3.—*Be it further enacted*, That whenever, from any cause, any convict, under sentence of death, shall not have been executed according to the order and judgment of the Court, and the same shall stand in force and unrevised in the Court where such sentence was pronounced, the Judge of said Court shall, in term-time or vacation, upon the application of the District Attorney, stating such facts of the non-execution of such convicts, according to the sentence of Court, which said application shall be filed by the clerk

among the proceedings in said case thereof, the Judge of said Court shall issue a writ of *habeas corpus*, to bring such convict before such Judge, or if he be at large, shall issue a writ for his apprehension, and, upon such convict being brought before such Judge, by virtue of said writs, the Judge shall, if no legal reason exist against the execution of such sentence, immediately thereafter issue a warrant to the sheriff of the proper county, reciting the facts and commanding the sheriff, on a day to be specified in said warrant, to execute said sentence according to law.

SEC. 4.—*Be it further enacted*, That all acts or parts of acts, particularly an act prescribing the manner of executing convicts in capital cases, approved October 25, 1859, coming in any manner in conflict with the provision of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved November 20, 1867.

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AN ACT entitled an act making appropriation for the fiscal year ending July 31st, 1868.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the following sums of money be, and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated :

First—To pay the salary of the Principal Chief, one thousand dollars.

Second—To pay salary of the National Secretary, six hundred dollars.

Third—To pay salary of the National Treasurer, six hundred dollars.

Fourth—To pay salary of the National Auditor of public accounts—six hundred dollars.

- Fifth—To pay salary of National Attorney, four hundred dollars.
- Sixth—To pay salary of Judges of the Supreme Court, twelve hundred dollars.
- Seventh—To pay salary of Circuit Judges, twelve hundred and fifty dollars.
- Eighth—To pay the salary of District Chiefs, seven hundred and fifty dollars.
- Ninth—To pay salary of District Attorneys, five hundred and fifty dollars.
- Tenth—For contingent funds subject to the order of the Principal Chief, four hundred dollars.
- Eleventh—For contingent funds of the Auditor's office, two hundred dollars.
- Twelfth—To pay salary of County and Probate Judges, sixteen hundred dollars.
- Thirteenth—To pay salary of County and Probate Clerks, eight hundred dollars.
- Fourteenth—To pay salary of Sheriffs, twelve hundred dollars.
- Fifteenth—To pay salary of Light-horse, two thousand and four hundred dollars.
- Sixteenth—To pay salary of National Light-horse, nine hundred and fifty dollars.
- Seventeenth—To pay judges of election, two hundred and twenty-two dollars.
- Eighteenth—To pay clerks of election, one hundred and fifty dollars.
- Nineteenth—To pay contingent expenses of Circuit Courts, twelve hundred and eighty dollars.
- Twentieth—To pay salary of Circuit Clerk, twelve hundred dollars.
- Twenty-first—To pay Sheriff for attending County Courts, one thousand five hundred and fifty dollars.
- To pay deputies, five thousand seven hundred and sixty dollars.

Twenty-second—To pay salary of clerk of Supreme Court, one hundred dollars.

Twenty-third—To pay salary of Trustees and Superintendent of public schools, eight hundred dollars.

Twenty-fourth—To pay Grand Jurors, thirteen hundred and twenty dollars.

Twenty-fifth—To pay Sheriffs and Deputies for attending Supreme Court, two hundred dollars.

Twenty-sixth—To pay per diem and mileage of members of the General Council, seven thousand dollars, which amount, if not exhausted, shall be applied to any other appropriation.

SEC. 2.—*Be it further enacted*, That any money in the Treasury not otherwise appropriated, is hereby appropriated to redeem and pay outstanding Auditor's warrants, and also Choctaw Treasury warrants.

SEC. 3.—*Be it further enacted*, That the sum of eight thousand dollars for Apuckshanubbee District, eight thousand dollars for Pushamataha District, seven thousand dollars for Mosholatubbee District, and seven thousand two hundred and sixty dollars for the tuition of the children and youths that are now in the States, be, and the same is hereby appropriated for the said purpose, commencing on the first day of September, 1867, and ending on the 30th day of June, 1868.

SEC. 4.—*Be it further enacted*, That all the balance of the school funds, amounting to the sum of twelve thousand four hundred and ninety-five dollars, on hand, be, and the same is hereby borrowed by the Choctaw Nation to pay and redeem all outstanding Auditor and Treasury warrants; *provided*, further, that if the above amount be not sufficient to redeem said warrants, then they shall be paid *pro rata*.

SEC. 5.—*Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 20, 1867.



AN ACT entitled an act to authorize the National Attorney to attend to the claims set up against the Nation under 49th and 50th Articles of the Treaty of April 28th, 1866, and for other purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the present National Attorney be, and is hereby required to proceed to Washington City as soon as possible, and appear before his honor the Secretary of the Interior, and file such arguments as he may deem essential to make touching the origin and present of the claims awarded by Messrs. Rice and Jackson under the 49th and 50th Articles of the Treaty of April 28th, 1866, and insist upon the importance of having a new commission raised to investigate the said claims, in order to enable this Nation to introduce rebutting testimony.

SEC. 2.—*Be it further enacted*, That if in the opinion of the said Secretary of the Interior, that a new commission to investigate the claims aforesaid cannot be ordered without the action of Congress, or by consent of parties to the case; then, in that event, the National Attorney shall exercise his best judgment and discretion in the premises, and report the facts to the Principal Chief.

SEC. 3.—*Be it further enacted*, That the National Attorney be, and is hereby instructed to respectfully bring to the notice of the Commissioner of Indian Affairs at Washington City, that this Nation will not consent to give the freedmen residing among them the forty-acre lots of land, including the right of suffrage, mentioned in the 3d Article of the Treaty of April 28th, 1866, when they have submit humbly to the forced sale of the "Leased District" lying west of 98th degree west longitude, for about two-and-a-half cents per acre, for objects of negro colonization upon their borders; and he shall also request the said Commissioner of Indian Affairs to provide in due time for said freedmen for their removal to

some country, and remove Kansas Indians here, in their stead, if they are willing to be removed.

SEC. 4.—*Be it further enacted*, That said attorney shall use his best endeavors to delay and defer the Territorial organization, contemplated under Article 8th of the Treaty of April 28th, 1866, until such time as the several Nations composing the Indian country shall become more friendly and more disposed to unite and come under one head, or, in other words, under one form of government, to be controlled by the Congress of the United States, and shall have become more qualified to take good care of their landed interest, than the present state of feeling seems to exist between the citizens of each Nation in regard to the whole policy of coming under a Territorial government—the government at Washington must understand that the habits and customs of Indian Nation cannot be easily changed, whether for weal or woe, without their consent.

SEC. 5.—*Be it further enacted*, That in order to provide against contingencies that might occur during the prosecution of the duties herein required of the National Attorney, there shall be elected by joint ballot of both houses of the present session of the General Council, an Assistant Attorney, whose duty shall be to aid and assist the Principal Attorney in all matters touching the interest and welfare of this Nation, specially the claim set up by "Loyal Indians" under 49th and 50th Articles of said Treaty, and whose terms of service shall expire with the adjustment of all the claims herein specified, and who shall act as Principal Attorney when so required by the Principal National Attorney—it is agreed and understood by this act, that the Nation will only defray actual expenses of traveling, and other incidental expenses to and from Washington City, for each of the attorneys mentioned in this act, at three dollars per day each and expenses paid, and hereby agree to give them one half of the amount that they may recover or save for the Nation upon

the claims arising under 49th and 50th Articles of the Treaty of April 28th, 1866, other than the "net proceed question;" and it is also understood that should they employ claim agent or counsel to answer for them in any given case, it shall be done at their own expense and responsibility.

SEC. 6.—*Be it further enacted*, That a correct statement of all the acts, proceedings, accounts, and correspondences had upon the business herein intrusted to the National Attorney, shall be kept by his assistant and who shall make his report upon the same to the Principal Chief of this Nation.

SEC. 7.—*Be it further enacted*, That the Principal Chief is hereby requested to authenticate the credentials of each of the National Attorneys herein mentioned to the Commissioner of Indian Affairs at Washington City.

SEC. 8.—*Be it further enacted*, That this act take effect, and be in force from and after its passage.

Repassed the Senate by two-thirds vote.

November 20th, 1867.

Repassed the House of Representatives by two-thirds vote.

November 20th, 1867.

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AN ACT entitled an act making an appropriation to assist Jacob Jackson in obtaining an education.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of two hundred and fifty dollars per annum be and the same is hereby appropriated to pay for the tuition of Jacob Jackson from the school fund of the Choctaw Nation, payable upon the certificate of the Superintendent of public schools, so long as the said Jacob Jackson shall remain at school.

SEC. 2.—*Be it further enacted*, That upon the certificate of the Superintendent being presented to the National Auditor,



certifying that the said Jacob Jackson has attended school for and during the current year and is entitled to the benefit of the above appropriation, the Auditor be and he is hereby authorized and directed to draw his warrant for the same in favor of said Jacob Jackson, payable out of the school funds of the Choctaw Nation.

SEC. 3.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage, and that the appropriation herein provided for shall commence and be payable from and after the 1st day of October, 1867.

Approved, November 20, 1867.

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AN ACT entitled an act granting to David A. Folsom, the privilege to erect a bridge across Blue River and establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to David A. Folsom to erect a bridge across Blue River, at Nail's Mill on said River, upon the following conditions and terms : That if the said David A. Folsom shall well and truly erect or cause to be erected a bridge across Blue River, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from the citizens of this Nation, the rates of toll, to wit : For each wagon or vehicle drawn by four or more animals, with the driver, the sum of fifty cents ; for each wagon or vehicle drawn by one, two or three animals, with the driver, the sum of twenty-five cents ; for each man and horse, ten cents ; for each led horse, five cents ; for each person on foot five cents ; for each animal in every drove of cattle, horses, mules, hogs and sheep, one cent.

SEC. 2.—*Be it further enacted*, That if any person or persons not citizens of this Nation refuse to pay the toll aforesaid, upon application, with proper proof, being made to the



United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 3.—*Be it further enacted*, That the privilege to receive toll herein given shall take effect and be in force whenever David A. Folsom aforesaid shall well and truly have erected a good and substantial bridge, and so long as he shall keep the same in good order and repair and responsible for all damages to any person or persons crossing the same with their property; *provided*, that the privilege herein granted shall not continue for a longer time than ten years.

SEC. 4.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, November 20, 1867.

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AN ACT making appropriation to pay for the expenses of cleaning the Capitol Building, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifty dollars be and the same is hereby appropriated, out of any money not otherwise appropriated, to defray the expenses of scrubbing and cleaning the Capitol building immediately after the adjournment of the present session of the General Council, and that Mrs. Jincy Jones is authorized and requested to scrub and clean said Capitol.

SEC. 2.—*Be it further enacted*, That upon the certificate of the National Secretary of such scrubbing and cleaning the Capitol building having been thoroughly and truly performed, then the National Auditor shall issue his warrant in favor of said Jincy Jones upon the National Treasurer for the above amount, and that this act shall take effect and be in force from and after its passage.

Approved November 20 1867.

AN ACT entitled an act regulating the granting of permits to trade, expose goods, wares or merchandise, for sale within the Choctaw Nation, and to reside within the same, and for other purposes.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That before any person or persons who are not citizens of the Choctaw or Chickasaw Nation shall be permitted to expose any goods, wares, or merchandise for sale within the limits of the Choctaw Nation, he, she, or they shall be required to obtain a permit from the Principal Chief of the Choctaw Nation—such permits shall be granted by the Principal Chief on the following terms and conditions only :

1st. The person or persons wishing to obtain such permit shall make application in writing to the Principal Chief, setting forth the place and county in which they desire to establish their business, the kind of business, and the probable amount of capital to be employed therein ; such application shall be signed by ten respectable citizens of householders of the county in which the person or persons applying proposed to do business, and be approved by the County Judge of such county ; the applicant shall, at the same time, present to the Principal Chief a bond with two securities, one of whom shall be a citizen and resident of the Choctaw Nation, in the penal sum of one thousand dollars, payable to the Choctaw Nation, and conditioned that said person or persons principal therein, shall well and truly obey the laws and regulations of the Choctaw Nation, in regard to traders and merchants therein, not inconsistent with existing treaties and the Constitution and laws of the United States relating thereto, and shall pay into the Treasury of the Nation such tax or taxes as may be demanded of him, and be due from him by virtue of existing laws of the Choctaw Nation, which bond shall be approved by the County Judge of

the county in which said person or persons proposed to do business.

2d. Upon such requirements having been complied with, the Principal Chief shall issue to said person or persons, under his hands and the seal of said Nation, a permit authorizing such person or persons to carry on such business as he or they may have in their application proposed, and at the place in the applications mentioned, and for the period of one year from the date of such permit; *provided*, however, that the Principal Chief may renew said permit from year to year, by endorsement thereon, under his hands, and such renewal shall have the same force and effect as the original permit.

SEC. 2.—*Be it further enacted*, That any person or persons obtaining such permit, and who shall expose any goods, wares and merchandise for sale in the Choctaw Nation, shall, on or before the first Monday in July, of each year, pay to the sheriff of the county in which the business is located, an annual *ad valorem* tax of one and one-half per centum on the original cost and value of all such goods, wares and merchandise as he, she, or they may bring into said Nation for sale, and shall, at the time of such payment, file with the sheriff of the county, a copy of his invoices of goods purchased and introduced for sale, for and during the twelve months next preceding the 1st Monday in June of said year, which inventory, and the accuracy and correctness thereof, shall be verified by the affidavit of the party presenting the same, or some other person for him, who may know the facts; such affidavit shall be made and subscribed before some officer of the United States, or any of the States thereof, authorized to administer oaths, or any officer of the Nation authorized to administer oaths, and such invoices or the certified copy thereof, shall, when so verified, be received by the sheriff, as the basis of assessment, on which he shall collect the said sum of one and one-half per centum as aforesaid,



and the said sheriff shall file with the National Auditor of public accounts, a duly certified copy of the same, and the Auditor shall then charge him with the amount of such assessment, and the amount to be collected thereon.

SEC. 3.—*Be it further enacted*, That before any carpenter, wagon maker, blacksmith, wheelwright, millwright, tailor, shoemaker, miller, machinist, sawyer, tanner, <sup>renter</sup> clerks, or any other or such like mechanic or artisan not citizens of the Choctaw and Chickasaw Nation, shall carry on his trade or calling, or exercise any of the function thereof, within the limits of the Choctaw Nation, he, she, or they shall first obtain a permit from the Principal Chief of the Choctaw Nation, which permit shall be granted on the following terms, viz.: The person or persons desiring such permit shall make application in writing to the County Judge of the County in which he, she, or they wish to reside, and carry on such business, setting forth his, her, or their trade or avocation, which application shall be signed by at least three respectable citizens of such county, and if the County Judge approve the same, he shall forward the same to the Principal Chief, with his approval endorsed thereon, the Chief shall then issue a permit, under his hand and the seal of the Nation, authorizing such person or persons to remain in, and carry on his or their business in such county for the period of one year from the date thereof, which permit may be renewed from year to year by the Chief in the manner provided for the renewal of the permits of merchants and traders.

SEC. 4.—*Be it further enacted*, The Principal Chief shall deliver such permits to the National Auditor, who shall charge the tax thereon against the sheriff, and forward the same to the sheriff of the county in which said party or parties are permitted to reside and carry on their business, to be by him delivered to such person or persons upon his, her, or their paying to such sheriff the sum of twenty-five



dollars as a tax thereon, and also paying to said sheriff the sum of two dollars for his fee on the same for the delivery thereof; and *provided* further, that for every renewal of such permit, the party or parties shall pay the like tax and fee to the sheriff as for the original permit, and the sheriff shall be charged with the same by the Auditor.

SEC. 5.—*Be it further enacted*, That any person or persons citizens of the Choctaw and Chickasaw Nations (or persons who may be residing therein by permission of the Choctaw Nation), desiring to bring into said Nation any person or persons to work for them as farmers, laborers, teamsters, or servants, or in any other such like capacity, shall report to the county clerk of the county in which he, she, or they may reside, the name and age of such person or persons so hired or employed by them, and pay to the sheriff of such county the sum of five dollars for each person so employed and brought into the Nation, which amount he, she, or they may retain out of the hire or compensation of such person, as may be agreed between them; *provided*, that nothing herein contained shall prevent the Principal Chief from causing the immediate removal from the Nation of such person or persons so employed for good cause, or for the misconduct of such persons.

SEC. 6.—*Be it further enacted*, That it shall be the duty of the sheriff of each county, to keep an accurate account of all moneys that may come to his hand by virtue of the provisions of this act, and make report of the same to the County Clerk and to the National Auditor on the 1st Monday of July in each year, and pay over the same at the end of every six months, one-half to the Treasurer of the County for the use of said county, and the other half to the Treasurer of the Nation for the use of the Nation, and take their receipts therefor in duplicate, one of which he shall file with the Auditor of the Nation, and the other keep for his own protection, and such receipts shall be a good voucher to him for all

such moneys as may have come to his hands under the provision of this act ; *provided*, such sheriff shall be entitled to keep and retain five per cent. of all moneys by him collected, for his commission for the collection thereof, and shall have credit therefor in his settlement with the Auditor of Public Accounts.

SEC. 7.—*Be it further enacted*, That this act take effect from and after its passage, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved November 20, 1867.

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## APPENDIX.

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[The following acts and resolutions were not found at the time the part of the book in which they should have appeared was put in type, and are now inserted at the close, in order to render the work complete.]

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### ACTS AND RESOLUTIONS

PASSED IN

REGULAR SESSION, NOVEMBER, 1855.

A RESOLUTION giving to Gen. D. H. Cooper a certain information therein named.

SEC. 19.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Gen. D. H. Cooper be, and he is hereby informed, that the General Council regard the special receipts required by Congress in 1852, for the money appro-

priated for the benefit of claimants under the 14th Article of the Treaty of 1830, as an acknowledgment of their right to control such money, and that he be hereby requested to retain in his hands for the benefit of Choctaws west of the Mississippi the balance of such money remaining unexpended in his hands after paying such claimants as shall be identified to his satisfaction.

Approved November, 1855.

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AN ACT empowering the Chiefs to disburse a certain sum for the support of schools.

SEC. 20.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the several sums of money received by Apuckshannubbee, Pushamataha, and Mosholatubbee District out of arrearages, shall be subject to the order of Chiefs, to be applied to purposes of education and other uses in their respective districts.

Approved November, 1855.

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AN ACT changing the boundary of Skullyville County.

SEC. 22.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That from and after the passage of this act, that Skullyville County, Mosholatubbee District, shall be bounded as follows, viz.: beginning where the State line crosses the Arkansas River; thence up said river to a point opposite the eastern end of Short Mountain; thence southwardly to said end of Short Mountain; thence to the source of main Cashier; thence due straight line to the road leading from Fort Smith to Fort Washita crosses the Narrows; thence eastwardly along on the top of Cavinoh mountain to the eastern extremity of the same; thence due course to

Ashley Burns ; leaving said Burns in Skullyville County ; thence due east to Poteau river, one mile above Koihana's old place ; thence down said river to the mouth of Lick Creek ; up said creek to the western boundary line of the State of Arkansas ; thence northwardly along said line to the beginning.

Approved November, 1855.

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AN ACT authorizing the District Chief of Mosholatubbee District to perform certain thing therein named.

SEC. 27.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Chief of Mosholatubbee District shall have power to commission a Judge to preside as County Judge in Tobucksy County until the next general election.

Approved November, 1855.

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AN ACT locating the County Court ground and election precinct in Tobucksy County.

SEC. 28.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the place of holding County Courts and election in Tobucksy County, Mosholatubbee District, shall be at Perryville.

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AN ACT amending an act passed at the session 17, section 5, and defining the boundary line of Tobucksy County.

SEC. 32.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That section 5, of session 17, be amended as follows, viz. : Mosholatubbee District is hereby laid off



into five counties, viz.: Skullyville, Gains, Sugar-Loaf, Sans Bois and Tobucksy Counties; and that Tobucksy County shall be bounded as follows: beginning at the mouth of South fork of Canadian river; thence up said Canadian to where the Chickasaw district boundary strikes the same; thence along said boundary line to where it strikes the dividing ridge between the Canadian and Red rivers; thence eastwardly along said district boundary to the source of Brushy creek; thence down said creek to where it empties into South fork; thence down said South fork to the beginning.

Approved November, 1855.

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AN ACT appropriating a certain sum of money therein specified.

SEC. 36.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the balance now in the hands of the United States Agent for the Choctaw tribe, of arrearages of annuities due under various treaty stipulations per act of Congress, approved 3d March, 1855, be and the same is hereby appropriated, in proportion to population of the three Choctaw Districts, viz: Apuckshannubbee, Pushamataha and Mosholatubbee Districts, and that the Treasurers thereof are hereby authorized to receive and receipt for the same.

Approved November, 1855.

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AN ACT changing the boundary line of Atoka County.

SEC. 41.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the boundary line of Atoka County shall run as follows, viz.: Beginning where the road from Fort Washita to Fort Smith crosses the Chickasaw District boundary; thence to Boggy Depot; thence to Clear Boggy; thence down to Samuel Folsom's ferry; thence take Atoka's-

road to his house; thence take the road from Atoka's to Muddy Boggy; thence up said Boggy to Fort Smith road; thence to dividing ridge; thence to where the line of Mosholatubbee District strikes Chickasaw District line; thence along said line to the beginning.

Approved, November, 1855.

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AN ACT repealing an act therein named.

SEC. 42.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That any person or persons shall be allowed to establish a store or trading house within three miles of any of the public institutions of the Choctaw Nation: *Provided*, he or they do not establish a store or trading house within four hundred and forty yards of any of the public institutions.

*Be it further enacted*, That an act passed Session 9, Section 6, be and is hereby made null and void.

Approved November, 1855.

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AN ACT appropriating moneys to the several Districts.

SEC. 46.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of seven thousand dollars is hereby appropriated from the interest arising from the investment of the Chickasaw fund, and also three thousand dollars of perpetual annuity to pay the officers of the several districts of the Choctaw Nation as follows, viz.: To Apuckshannubbee District, four thousand, two hundred and twenty-five dollars and seventy-five cents, (\$4,225 75); to Pushamataha District, three thousand, two hundred and eighty-eight dollars, (\$3,288 00); to Mosholatubbee District, two thousand, four hundred and eighty-six dollars and twenty-five cents, (\$2,486 25).

Approved November, 1865.

A RESOLUTION requesting the Chiefs to remonstrate against the summoning the members of the General Council during its session to attend Van Buren Court.

SEC. 47.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That Chiefs be requested to remonstrate to the Government of the United States against the practice of summoning members of the Choctaw Council to attend the United States Court at Van Buren, while the Council in Session; and request that some member of Congress to endeavor to have the law so changed as to prevent the evil which the members of the Council labor under, in consequence of said practice.

Approved, November, 1855.

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A RESOLUTION approving the arrangement in regard to Armstrong Academy.

SEC. 48.—*Be it resolved by the General Council of the Choctaw Nation assembled*, That the General Council do hereby approve of the reports and arrangements made by the Trustees of Public Institutions in relation to Armstrong Academy.

Approved November, 1855.

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AN ACT requiring the census to be taken, etc.

SEC. 50.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the Chiefs be and are hereby authorized to direct the County Judges to take the census of the people in their respective districts before the first day of July, 1856, whose services shall be determined and be paid by the General Council.

Approved November, 1855.

## NOTES.

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*Non compos mentis*—"not of sound mind."

*Instanter*—immediately ; without delay.

*Tabular*—set down in tables ; set in squares.

*Writ of error*—is a writ founded on an alleged error in judgment, which carries the suit to another Court for redress.

*Supersedeas*—is a writ or command to suspend the powers of an officer in certain cases, or to stay proceedings.

*Habeas corpus*—is a writ for delivering a person from false imprisonment, or for removing a person from one court to another.

*Certiorari*—is a writ issuing out of a superior court, to call up the records of an inferior court, or remove a cause there depending, that it may be tried in the superior court. This writ is obtained upon complaint of a party, that he has not received justice, or that he cannot have an impartial trial in the inferior court.

*Ne exeat*—is a writ to prevent a person from going out of the Nation, without license

*Crier*—the crier of a court is an officer whose duty is to open or adjourn the court, keep silence, etc.

*Oyer and Terminer*—a court constituted to inquire, hear and determine all treasons, felonies and misdemeanors.



*Mandamus*—is a writ issuing from some of the higher courts, directed to any person, corporation, or inferior court, requiring them to do some act therein specified, which appertains to their office and duty; as to admit or restore a person to an office or franchises, or to deliver papers, annex a seal to a paper, etc.

*Subpœna*—a writ commanding the attendance in court of the person on whom it is served, as witnesses, etc.

*Venire facias*—a writ directed to the sheriff, requiring him to summon twelve men, to try an issue between parties. It is also a writ in the nature of the summons to cause the party indicted on a penal statute to appear.

*Ex parte*—"on one part;" as, *ex parte* evidence, that which is brought forward by one side only.

*Fieri facias*—a writ for one who has recovered a debt, damages or costs, commanding the sheriff to levy the same on the goods of him against whom the recovery was had.

*Surcharge*—to overload.

*Femmes covert*—married women.

*Ad litem*—Guardian to defend a minor sued.

*Affinity*—relationship by marriage.

*Consanguinity*—relationship by blood.

*Nisi*—a conditional judgment.

*Pro tempore*—for the time being.

*Tally*—to score with correspondent marks; to put down a mark for each vote cast.

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